IMT Nuremberg Archives

H – 1106

International Court of Justice

H1106 - 0002

INDEX OF DOCUMENTS --- TRIAL BRIEF ON
PURGE OF POLITICAL OPPONENTS; TERRORIZATION

Document No.	Description of Document	Page Number
L-73	Affidavit of Bruno Bettelheim	11
L-83	Affidavit of Gerhart Seger	11
L-135	Affidavit of Kate Eva Hoerlein	4
784-PS	Letter from the Minister of Justice to Hess, dated 5 June 1935.	13
786-PS	Minister of Justice Memorandum of 29 November 1935	13
787-PS	Letter from Minister of Justice to the Fuehere, dated 18 June 1935	12
788-PS	Letter from Secretary of State to the Minister of Justice, 25 June 1935.	12
1388-PS	Gesetz Gegen die Neubildung von Parteien (Law against the new establishment of Parties, 14 July 1933, 1933 Reichsgesetzblatt, Part I, p. 479.	6
1390-PS	Verordnung des Reichspräsidenten zum Schutz von Volk und Staat Vom 28 Feb. 1933 (Decree of the Reich President for the Protection of the People and the State), 28 February 1933. 1933 Reichsgesetzblatt, Part I, p. 83.	5, 9
1393-PS	Gesetz gegen heimtuckische Angriffe auf Staat und Partei und zum Schutz der Parteiuniformen vom 20 Dec. 1934. (Law on the treacherous acts against State and Party, and for the Protection of Party Uniforms of 30 Dec. 1934) 1934 Reichsgesetzblatt, Part I, p. 1269.	6
1430-PS	Erfassung Fuehrender Maenner der Systemzeit. (Compilation of leading men of the system era).	11
1652-PS	Verordnung des Reichspräsidenten zur Abwehr heimtuckischer Angriffe gegen die Reigierung der nationalen Erhebung, 21 March 1933 (Decree of the Reich President for Protection against Treacherous Attacks on the Government of the Nationalist Movement, 21 March 1933). 1933 Reichsgesetzblatt, Part I, p. 135.	6
1669-PS	Correspondence between Dr. Haushofer and Hess, 24, 28 August 1933.	2
1759-PS	Affidavit of Raymond H. Geist.	2, 11

H1106 – 0003

Document No.	Description of Document	Page Number
1852-PS	Die Deutsche Polizei, by Best. (The German Police), p. 14-20.	8
1856-PS	Reden und Aufsätze (Speeches and Essays) by Dr. Erich Gritzbach, p. 27, Munich Ed. 1938.	1
1857-PS	Völkischer Beobachter (People's Observer) Munich Ed., 26 July 1934, p. 1.	4
1956-PS	Das Archiv (The Archives), January 1936, Volume 22-24, p. 1342.	9, 10
1962-PS	Gesetz zur Underung des Strasgesetzbuchs vom 28 June 1935. (Law to change the Penal Code of 28 June 1935), 1935 Reichsgesetzblatt, Part I, p. 839.	7
2057-PS	Gesetz Ueber Massnahmen Der Staatsnotwehr (Law of 3 July 1934 legalizing actions taken as a measure of state necessity), 1934 Reichsgesetzblatt, Part I, p. 529.	4
2107-PS	Preussische Gesetzsamalung (Prussian Law Collection), 1936, p. 21 and 22.	12
2344-PS	Aufbau Einer Nation (Reconstruction of a Nation), 1934, p. 89. (Statement by Goering)	11
2347-PS	Reichsverwaltungsblatt. (German Administrative Journal), 1935, p. 577.	12
2386-PS	Joint Affidavit of George S. Messersmith and Raymond H. Geist, 29 August 1945.	11
2460-PS	Affidavit of Rudolf Diels	2
2472-PS	Affidavit of Rudolf Diels	2
2487-PS	Völkischer Beobachter (People's Observer) Berlin ed., issue 195, 14 July 1934, Beiblatt, p. 2.	3
2491-PS	Deutsche Juristenzeitung (German Magazine for Jurists), 1935, Col. 618 and 619.	12
2494-PS	Völkischer Beobachter (People's Observer), Berlin Ed., issue 204-205, 23, 24 July 1933, p. 1.	5
2496-PS	Das Archiv (The Archives) 1934, Vols, IV-VI, p. 493, 494.	4
2499-PS	Original Protective Custody Order Served on Dr. R. Kempner.	10
2533-PS	Gesetzebung und Recht Zeitschrift der Akademie fuer Deutsches Recht (Legislation and Law), in magazine of Academy for German Law, 1936, p. 141.	10

H1106 - 0004

Document No.	Description of Document	Page Num
2543-PS	Die Aufgabe der SS (The Mission of the SS) in National Sozialistische Monatschefte (The National Social Magazine) 5th Year (1934).	1
2544-PS	Affidavit of Rudolf Diels, former Superior Government Counsellor of the Police Division of the Prussian Ministry of the Interior.	2, 11
2545-PS	Völkischer Beobachter (People's Observer) Berlin ed., issue 182/183; 1, 2 July 1934, p. 1.	3
2548-PS	Gesetz zur Aenderunt vom Verschriften der Straftrechts, und der Strafverfahrens. (Law on the modification of rules of criminal law and criminal procedure of 24 April 1934). 1934 Reichsgesetzblatt, Part I, p. 340.	7
2549-PS	Dokumente der Deutschen Politik (Documents of German Politics) Vol. 3, p. 305 (Statement of Minister of Justice).	8
2550-PS	Gesetz zur Aenderung von Vorschriften des allgemeinen Strafverfahrens des Wehrmachtstraferfahrens und des Strafgesetzbuchs. (Law on the modification of rules of general criminal procedure, etc., of 16 September 1939). 1939 Reichsgesetzblatt, Part I, p. 1841.	8
2552-PS	Nationalsozialismus und Recht in Zeitschrift der Akademie fuer Deutsches Recht. (National Socialism and law in magazine of the Academy of German Law), 1935, p. 89.	8
2554-PS	Gesetz ueber Verhaengung und Vollzug der Todesstrafe (Law concerning infliction and execution of the death penalty of 29 March 1933). 1933 Reichsgesetzblatt, Part I, p. 151.	5
2572-PS	Das Dritte Reich, Gerd Ruehle, Ed. Vol. 234 (1934), p. 247. (The Third Reich)	3
2614-PS	Affidavit of Dr. Wilhelm Hoettel, 5 November 1945.	9
2639-PS	Anordnungen des Stellvertreters des Fuehrers. (Directives of the Deputy of the Fuehrer) (1937) p. 190.	7
2950-PS	Affidavit of Frick, 19 November 1945.	4
2967-PS	Affidavit of Dr. Hans Anscheutz, dated 17 November 1945.	9

H1106 - 0005

INDEX OF DOCUMENTS --- TRIAL BRIEF ON
PURGE OF POLITICAL OPPONENTS; TERRORIZATION

Document No.	Description of Document	Page Number
L-73	Affidavit of Bruno Bettelheim	11
L-83	Affidavit of Gerhart Seger	11
L-135	Affidavit of Kate Eva Hoerlein	4
784-PS	Letter from the Minister of Justice to Hess, dated 5 June 1935.	13
786-PS	Minister of Justice Memorandum of 29 November 1935	13
787-PS	Letter from Minister of Justice to the Fuehere, dated 18 June 1935	12
788-PS	Letter from Secretary of State to the Minister of Justice, 25 June 1935.	12
1388-PS	Gesetz Gegen die Neubildung von Parteien (Law against the new establishment of Parties, 14 July 1933, 1933 Reichsgesetzblatt, Part I, p. 479.	6
1390-PS	Verordnung des Reichspräsidenten zum Schutz von Volk und Staat Vom 28 Feb. 1933 (Decree of the Reich President for the Protection of the People and the State), 28 February 1933. 1933 Reichsgesetzblatt, Part I, p. 83.	5, 9
1393-PS	Gesetz gegen heimtuckische Angriffe auf Staat und Partei und zum Schutz der Parteiuniformen vom 20 Dec. 1934. (Law on the treacherous acts against State and Party, and for the Protection of Party Uniforms of 30 Dec. 1934) 1934 Reichsgesetzblatt, Part I, p. 1269.	6
1430-PS	Erfassung Fuehrender Maenner der Systemzeit. (Compilation of leading men of the system era).	11
1652-PS	Verordnung des Reichspräsidenten zur Abwehr heimtuckischer Angriffe gegen die Reigierung der nationalen Erhebung, 21 March 1933 (Decree of the Reich President for Protection against Treacherous Attacks on the Government of the Nationalist Movement, 21 March 1933). 1933 Reichsgesetzblatt, Part I, p. 135.	6
1669-PS	Correspondence between Dr. Haushofer and Hess, 24, 28 August 1933.	2
1759-PS	Affidavit of Raymond H. Geist.	2, 11

H1106 - 0006

Document No.	Description of Document	Page Number
1852-PS	Die Deutsche Polizei, by Best. (The German Police), p. 14-20.	8
1856-PS	Reden und Aufsätze (Speeches and Essays) by Dr. Erich Gritzbach, p. 27, Munich Ed. 1938.	1
1857-PS	Völkischer Beobachter (People's Observer) Munich Ed., 26 July 1934, p. 1.	4
1956-PS	Das Archiv (The Archives), January 1936, Volume 22-24, p. 1342.	9, 10
1962-PS	Gesetz zur Underung des Strasgesetzbuchs vom 28 June 1935. (Law to change the Penal Code of 28 June 1935), 1935 Reichsgesetzblatt, Part I, p. 839.	7
2057-PS	Gesetz Ueber Massnahmen Der Staatsnotwehr (Law of 3 July 1934 legalizing actions taken as a measure of state necessity), 1934 Reichsgesetzblatt, Part I, p. 529.	4
2107-PS	Preussische Gesetzsamalung (Prussian Law Collection), 1936, p. 21 and 22.	12
2344-PS	Aufbau Einer Nation (Reconstruction of a Nation), 1934, p. 89. (Statement by Goering)	11
2347-PS	Reichsverwaltungsblatt. (German Administrative Journal), 1935, p. 577.	12
2386-PS	Joint Affidavit of George S. Messersmith and Raymond H. Geist, 29 August 1945.	11
2460-PS	Affidavit of Rudolf Diels	2
2472-PS	Affidavit of Rudolf Diels	2
2487-PS	Völkischer Beobachter (People's Observer) Berlin ed., issue 195, 14 July 1934, Beiblatt, p. 2.	3
2491-PS	Deutsche Juristenzeitung (German Magazine for Jurists), 1935, Col. 618 and 619.	12
2494-PS	Völkischer Beobachter (People's Observer), Berlin Ed., issue 204-205, 23, 24 July 1933, p. 1.	5
2496-PS	Das Archiv (The Archives) 1934, Vols, IV-VI, p. 493, 494.	4
2499-PS	Original Protective Custody Order Served on Dr. R. Kempner.	10
2533-PS	Gesetzebung und Recht Zeitschrift der Akademie fuer Deutsches Recht (Legislation and Law), in magazine of Academy for German Law, 1936, p. 141.	10

H1106 - 0007

Document No.	Description of Document	Page Num
2543-PS	Die Aufgabe der SS (The Mission of the SS) in National Sozialistische Monatschefte (The National Social Magazine) 5th Year (1934).	1
2544-PS	Affidavit of Rudolf Diels, former Superior Government Counsellor of the Police Division of the Prussian Ministry of the Interior.	2, 11
2545-PS	Völkischer Beobachter (People's Observer) Berlin ed., issue 182/183; 1, 2 July 1934, p. 1.	3
2548-PS	Gesetz zur Aenderunt vom Verschriften der Straftrechts, und der Strafverfahrens. (Law on the modification of rules of criminal law and criminal procedure of 24 April 1934). 1934 Reichsgesetzblatt, Part I, p. 340.	7
2549-PS	Dokumente der Deutschen Politik (Documents of German Politics) Vol. 3, p. 305 (Statement of Minister of Justice).	8
2550-PS	Gesetz zur Aenderung von Vorschriften des allgemeinen Strafverfahrens des Wehrmachtstraferfahrens und des Strafgesetzbuchs. (Law on the modification of rules of general criminal procedure, etc., of 16 September 1939). 1939 Reichsgesetzblatt, Part I, p. 1841.	8
2552-PS	Nationalsozialismus und Recht in Zeitschrift der Akademie fuer Deutsches Recht. (National Socialism and law in magazine of the Academy of German Law), 1935, p. 89.	8
2554-PS	Gesetz ueber Verhaengung und Vollzug der Todesstrafe (Law concerning infliction and execution of the death penalty of 29 March 1933). 1933 Reichsgesetzblatt, Part I, p. 151.	5
2572-PS	Das Dritte Reich, Gerd Ruehle, Ed. Vol. 234 (1934), p. 247. (The Third Reich)	3
2614-PS	Affidavit of Dr. Wilhelm Hoettel, 5 November 1945.	9
2639-PS	Anordnungen des Stellvertreters des Fuehrers. (Directives of the Deputy of the Fuehrer) (1937) p. 190.	7
2950-PS	Affidavit of Frick, 19 November 1945.	4
2967-PS	Affidavit of Dr. Hans Anscheutz, dated 17 November 1945.	9

City of Washington)
) ss
District of Columbia)

Bruno Bettelheim being first duly sworn deposes and says:

1. I was born in Vienna, Austria and lived there up until the annexation of Austria by the Germans in March, 1938. My education was obtained at the Progressive-Real-Gymnasium at Vienna and the University of Vienna where I received a Ph. D. degree in psychology and philosophy in 1938. For a period of approximately twelve years prior thereto I had conducted research work in psychology and education. I was also interested in a business which I inherited from my father. This business, a joint stock company by the name of Bettelheim and Schnitzer, was engaged in lumber and saw mill operations in Austria.

2. My political affiliations were with the Social Democratic Party which stood for the independence of Austria. The tenets of this party were diametrically opposed to the Nazi viewpoint and principles.

3. Immediately following the occupation of Austria on or about March 12, 1938, it became apparent to me that I would not be permitted to live in peace in Austria. Therefore, I resolved to leave the country. My wife and I left Vienna on about 12 or 13 of March and were stopped at the Czechoslovakian-Hungarian border that night. The next day we undertook to leave Vienna by train and, while my wife was permitted to proceed, I was detained by the police, ordered to remain in Vienna, and my passport taken away from me. Within the next day or two the police searched my home. I was extensively questioned but not taken into custody, the police stating that it did not appear that I had violated any of the laws of Austria. Three or four weeks later I was taken into custody, the police stating that it did not appear that I had violated any of the laws of Austria. Three or four weeks later I was taken into custody by the Austria police and for three days questioned about my political activities. At the conclusion of the questioning the police officer who was in charge of the investigation dictated a statement to the effect that there appeared to be no basis whatever for any legal action against me. Thereupon I was released. Two weeks later I was taken into custody and imprisoned. It was stated to me that my confinement was the result of orders issued by the Gestapo in Berlin. I spent three days in jail in Vienna after which I was transferred to the concentration camp at

H1106 - 0008

Dachau early in May, 1938. I spent approximately four months in Dachau after which I was transferred to the concentration camp at Buchenwald. Meanwhile my wife had proceeded to the United States. I was released from Buchenwald in April 1939. My release was effected through the aid of some influential friends of mine in America who were able to enlist the assistance of the State Department of the United States.

4. Upon my release I came to the United States. In November, 1939 I was appointed Research Associate of the Progressive Education Association at the University of Chicago. Since then I have been connected with this University. At present I am Assistant Professor of Education and Principal of the University's Orthogenic School.

5. My period of confinement in the concentration camp at Dachau and Buchenwald afforded an opportunity to conduct investigations, collect data, and make certain observations concerning the effect on the personality and behavior of individuals who have spent several years in such institutions. The motives which prompted me to make such a study are adverted to below. It is not the purpose of this statement to recount once more the horror story of the German concentration camp. That story has been repeatedly and adequately documented, particularly in recent months following the fall of Germany. Accordingly, this statement does not emphasize individual acts of terror but is limited to the sociological significance of the concentration camp; viz., an examination and appraisal of the concentration camp as a means of producing psychological changes in the prisoners. On the basis of my previous experience with Gestapo methods and my observation of the deteriorating changes which occurred in the prisoners during the process of their adaptation to the camp situatio I was enabled to reach certain conclusions as to the results which the Gestapo sought to achieve by means of the camps. These conclusions are stated below.

6. In the concentration camp the Gestapo developed methods for subjecting not only free men, but also the most ardent foes of the Nazi system, to a process of disintegration from their position as autonomous individuals. This process was attained by means of exposing them to extreme experiences. During the course of my confinement my study of this subject embraced an investigation and examination of what occurred in the prisoners from the moment they had their first experience with the Gestapo up to the time when the process of adaptation to the camp situation was practically concluded.

7. Reasons for making studies. While my former training and psychological

H1106 - 0009

interests were of material assistance to me in collecting the data and conducting the necessary investigations I did not analyze my own behavior and that of my fellow prisoners in order to add to pure scientific research. On the contrary, the study of these behaviors was a mechanism developed by me in order that I might have some intellectual interests and in this way be better equipped to endure life in the camp. I was developed by me to forestall a complete disintegration of my character and personality. I may add that I felt that without an activity which could force me to remain continuously critical of the Gestapo methods I would not be able to defend successfully the integrity of my personality against the impact of the Gestapo methods. The need for a strong defense against the influence which the camp was exercising on me became apparent during my first few days of confinement. I observed that I was behaving differently from the way I used to. I may add that I am convinced that I would have been unable to make these observations without the strict and continuous self-observation which my years of phycho-analytical training taught me.

8. I observed that some of my actions evidenced psycho-pathological behavior. Thereupon the questions arose in my mind as to whether or not I was progressing into insanity. Moreover I observed my fellow prisoners act in a most peculiar way although I had every reason to assume that they, too, had been normal persons before being imprisoned. To ascertain the nature of my own observations and to protect myself from the apparent disintegration manifested by the other prisoners obviously became a matter of prime importance to me. The answer was comparatively simple; to find out what happened in them and to me. If I did not change any more than all other normal persons, then what happened in me and to me was a process of adaptation and not the setting in of insanity. By undertaking this analysis I not only erected a bulwark against personality disintegration but I also succeeded in killing time in a way which seemed constructive. To forget for a time that I was in the camp seemed at first the greatest advantage of this occupation. As time went on, the enhancement of my self-respect due to my ability to continue to do meaningful work despite the contrary efforts of the Gestapo became of first importance.

9. Methods of collecting data. I was impossible to keep any records, because there was no time for them, no place to keep them and no way to take them out of the camp. This difficulty was overcome by making an effort to commit to memory the essential facts. While this procedure was handicapped by extreme malnutrition, the improvement in my health following termination of confi ement in camp was accompanied by the recollection of much seemingly forgotten material.

10. The prisoners were willing to talk about themselves because to find somebody interested in them and their problems added to their self-esteem

H1106 - 0011

While conversation at work was strictly prohibited, during the hours of early morning and late evening, the guards could not see whether or not the prisoners talked. This afforded an opportunity of one or two hours per day which was available for conversation.

11. I worked in at least 20 different labor groups whose number varied from 20 or 30 all the way up to a few hundreds. I slept in five different barracks in each of which 200 or 300 prisoners lived. In this way I came to know personally at least 600 prisoners at Dachau (out of approximately 6,000) and at least 900 at Buchenwald (out of approximately 8,000). Although older prisoners of the same category lived together in barracks, all categories were mixed at work so that I was able to contact and interview prisoners of all types. The main different categories were: political prisoners; "work-shy" prisoners, that is, persons who did not agree to work wherever the government wanted them to work, or who had changed working places to get higher wages, etc.; former members of the French Foreign Legion and spies; Jehovah's Witnesses and other conscientious objectors; Jews; criminals; and other groups, e.g. former members of such suppressed Nazi groups as the followers of Roehm who were still alive.

12. I was thus afforded an opportunity of interviewing all different groups and in this way secured an adequate sampling. I was a ble to find only two other persons whose intelligence and training qualified them to participate in my investigation. These individuals spoke to several hundred prisoners. Every day during the morning count of the prisoners, while waiting for assignment to later groups, reports were exchanged, and theories discussed. These talks proved very helpful in clarifying mistakes due to taking a one-sided viewpoint.

13. The process of adaptation to the camp situation can be brokendown into three different stages. The main event of the first stage is the transportation to the camp and the first experiences in it. The next stage is characterized by a slow process

H1106 - 0012

of changing the prisoner's life and personality. It occurs step by step continuously. The last stage is the final adaptation to the camp situation. These three stages will be analyzed below.

14. The transportation into the camp and the first experience in it. After having spent several days in prison, the prisoners were brought into the camp. During this transportation they were exposed to constant tortures of various kinds. Corporal punishment consisting of whipping, kicking, slapping intermingled with shooting and wounding with the bayonet, alternated with tortures the obvious goal of which was extreme exhaustion. For instance, the prisoners were forced to stare for hours into glaring lights, to kneel for hours, and so on. From time to time a prisoner got killed; no prisoner was permitted to take care of his or another's wounds. These tortures alternated with efforts on the part of the guards to force the prisoners to hit one another, and to defile what the guards considered the prisoners' most cherished values. For instance, the prisoners were forced to curse their God, to accuse themselves of vile actions, accuse their wives of adultery and of prostitution. This continued for hours and was repeated at various times.

15. The purpose of the tortures was to break the resistance of the prisoners, and to assure the guards that they were really superior to them. This can be seen from the fact that the longer the tortures lasted, the less violent they became. The guards became slowly less excited, and at the end even talked with the prisoners. As soon as a new guard took over, he started with new acts of terror, although not as violent as in the beginning, and he eased up sooner than his predecessor. Sometimes prisoners who had already spent time in camp were brought back with a group of new prisoners. These old prisoners were not tortured if they could furnish evidence that they had already been in the camp. That these tortures were planned can be seen from the fact that during my transportation into the camp after several prisoners had died

H1106 - 0013

and many had been wounded in tortures lasting for 12 hours, the command, "Stop mistreating the prisoners," came and from this moment on the prisoners were left in peace till they arrived in the camp when another group of guards took over and started anew to take advantage of them.

16. Most of the prisoners became so exhausted that they were only partly conscious of what happened. In general, prisoners remembered the details and did not mind talking about them, but they did not like to talk about what they had felt and thought during the time of torture. The few who volunteered infomation made vague statements which sounded like devious rationalizations, invented for the purpose of justifying that they had endured treatment injurious to their self-respect without trying to fight back. The few who had tried to fight back could not be interviewed; they were dead.

17. I can vividly recall my extreme weariness, resulting from a bayonet wound which I had received early in the course of transportation and from a heavy blow on the head. Both injuries led to the loss of a considerable amount of blood, and made me groggy. Nevertheless I wondered that the guards really tortured prisoners in the way it had been described in books on the concentration camps; that the Gestapo was so simple-minded as either to enjoy forcing prisoners to defile themselves or to expect to break their resistance in this way. I wondered that the guards were lacking in fantasy when selecting the means to torture the prisoners; that their sadism was without imagination. I was rather amused by the repeated statement that guards do not shoot the prisoners but kill them by beating them to death because a bullet costs six pfennigs, and the prisoners are not worth even so much. Obviously the idea that these men, most of them formerly influential persons, were not worth such a trifle impressed the guards considerably. It was clear that these tortures followed a deliberate and purposeful plan. This is evidenced by the fact that the railroad coaches

H1106 - 0014

in which prisoners were transported were equipped with unusually strong light bulbs. The prisoners were forced to stare for hours at these lights which created in them a condition analogous to a state of hypnotism. These circumstances contributed to creating a condition which may best be described as a state of "depersonalization." It seemed as if I had become convinced that these horrible and degrading experiences somehow did not happen to "me" as a subject but to "me" as an object. This experience was corroborated by the statements of other prisoners.

18. All the thoughts and emotions which I had during the transportation were extremely detached. It was as if I watched things happening in which I only vaguely participated. Later I learned that many prisoners had developed this same feeling of detachment, as if what happened really did not matter to oneself. It was strangely mixed with a conviction that "this cannot be true, such things just do not happen." Not only during the transportation but all through the time spent in camp, the prisoners had to convince themselves that this was real, was really happening, and not just a nightmare. They were never wholly successful.

19. There were good indications that most guards embraced a similar attitude, although for different reasons. They tortured the prisoners partly because they enjoyed demonstrating their superiority, partly because their superiors expected it of them. But, having been educated in a world which rejected brutality, they felt uneasy about what they were doing. It seems that they, too, had an emotional attitude toward their acts of brutality which might be described as a feeling of unreality. After having been guards in the camp for some time, they got accustomed to inhuman behavior, they became "conditioned" to it; it then became part of their "real" life.

20. To summarize: During the transportation the prisoners were exposed to physical and mental tortures, the purpose of which seemed to be to break any ability to resist the Gestapo. They

H1106 - 0015

seemed, moreover, to serve the purpose of overcoming the Gestapo members' fear of the prisoners who were more intelligent and belonged usually to a higher social group. During the transportation the prisoners developed a state of detachment, feeling as if what happened did not really happen to them as persons. Thus, transportation into the camp was instrumental in bringing about the alienation of the prisoner from his normal personality.

21. It seems that camp experiences which remained within the normal frame of reference of a prisoner's life experience were dealt with by means of the normal psychological mechanisms. Once the experience transcended this frame of reference, the normal mechanisms seemed no longer able to deal adequately with it and new psychological mechanisms were needed. The experience during the transportation was one of those transcending the normal frame of reference and the reaction to it may be described as "unforgetable, but unreal."

22. Attitudes similar to those developed toward the transportation could be observed in other extreme situations. On a terribl cold winter night when a snow storm was blowing, all prisoners were punished by being forced to stand at attention without overcoats--they never wore any--for hours. This, ater having worked for more than 12 hours in the open and having received hardly any food. The reason for this punishment was that two prisoners had tried to escape. On such occasions all prisoners were always punished very severely, so that in the future they would give away secret they had learned, because otherwise they would have to suffer. The idea was that every prisoner ought to feel responsible for any act committed by any other prisoner. This was in line with the principle of the Gestapo to force the prisoners to feel and act as a group, and not as individuals. They were threatened with having to stand all through the night. After about 20 prisoners had died from exposure the discipline broke down. The threats of the guards became ineffective. To be exposed to the weather was a terrible torture; to see one's friends die without being able to help, and to stand a good chance of dying, created a situation similar to the transportation, except that the prisoners had by now more experience wit

H1106 - 0016

the Gestapo. Open resistance was impossible, as impossible as it was to do anything definite to safeguard oneself. A feeling of utter indifference swept the prisoners. They did not care whether the guards shot them; they were indifferent to acts of torture committed by the guards. The guards had no longer any authority, the spell of fear and death was broken. It was again as if what happened did not "really" happen to oneself. There was again the split between the "me" to whom it happened, and the "me" who really did not care and was just an interested but detached observer. Unfortunate as the situation was, they felt free from fear and therefore were actually happier than at most other times during their camp experiences.

23. After more than 80 prisoners had died, and several hundred had their extremities so badly frozen that they had later to be amputated, the prisoners were permitted to return to the barracks. They were completely exhausted, but did not experience that feeling of happiness which some of them had expected. They felt relieved that the torture was over, but felt at the same time that they no longer were free from fear and no longer could strongly rely on mutual help. Each prisoner as an individual was now comparatively safer, but he had lost the safety originating in being a member of a unified group. This event was again freely discussed, in a detached way, and again the discussion was restricted to facts; the prisoners' emotions and thoughts during this night were hardly ever mentioned. The event itself and its details were not forgotten, but no particular emotions were attached to them; nor did they appear in dreams.

24. The psychological reactions to events which were somewhat more within the sphere of the normally comprehensible were decidedly different from those to extreme events. It seems that prisoners dealt with less extreme events in the same way as if they had happened outside of the camp. For example, if a prisoner's punishment was not of an unusual kind, he seemed ashamed of it, he tried not to speak about it. A slap in one's face was embarrassing, and not to be discussed. One hated individual guards who had kicked one, or slapped one, or verbally abused one much more than the guard who really had wounded one seriously. In the latter case one eventually hated the Gestapo as much, but not so much the individual inflicting the punishment. Obviously thisdifferentiation was unreasonable, but it seemed to be inescapable. One felt deeper and more violent aggressions against particular Gestapo members who had committed minor vile acts than one felt against those who had acted in a much more terrible fashion

H1106 – 0017

25. It seems that all experiences which might have happened during the prisoner's "normal" life history provoked a "normal" reaction. Prisoners seemed for instance, particularly sensitive to punishments similar to those which a parent might inflict on his child. To punish a child was within their "normal" frame of reference, but that they should become the object of the punishment destroyed their adult frame of reference. So they reacted to it not in an adult, but in a childish way --- with embarrassment and shame, with violent, impotent, and unmanageable emotions directed, not against the system, but against the person inflicting the punishment.

26. Resentment by prisoners of minor vile acts on the part of the guards more than extreme experiences is explained as follows: When a prisoner was cursed, slapped, pushed around "like a child" and if he was, like a child, unable to defend himself, this revived in him behavior patterns and psychological mechanisms which he had developed when a child. Like a child he was unable to see his treatment in the general context of the behavior of the Gestapo. The degradation of the prisoner by means of being treated like a child took place not only in his mind, but in the minds of his fellow prisoners, too.

Differences in attitudes of Old and New Prisoners.

27. As time went on the difference in the reaction to minor and major sufferings slowly seemed to disappear. This change in reaction was only one of many differences between old and new prisoners. A few others ought to be mentioned. In the following discussion I refer by the term "new prisoners" to those who had not spent more than one year in the camp; "old" prisoners are those who have spent at least three years in the camp.

28. The main concern of the new prisoners seemed to be to remain intact as a personality and to return to the outer world the same persons who had left it; all their emotional efforts were directed towards this goal. Old prisoners seemed mainly concerned with the problem of how to live as well as possible within the camp. Once they had reached this attitude, everything that happened to them, even the worst atrocity, was "real" to them. No longer was there a split between one to whom things happened and the one who observed them. Once this stage was reached of taking everything that happened in the camp as "real," there was every indication that the prisoners who had reached it were afraid of returning to the outer world. They did not admit it directly, but from their talk it was clear that they hardly believed they would ever return to this outer world because they felt that only a cataclysmic event -- a world war and world revolution -- could [illegible]

H1106-0018

happened to them while growing older in the camp. They realized that they had adapted themselves to the life in the camp and that this process was coexistent with a basic change in their personality.

29. The most drastic demonstration of this realization was provided by the case of a formerly very prominent radical German politician. He declared that according to his experience nobody could live in the camp longer than five years without changing his attitudes so radically that he no longer could be considered the same person he used to be. He asserted that he did not see any point in continuing to live once his real life consisted in being a prisoner in a concentration camp, that he could not endure developing those attitudes and behaviors he saw developing in all old prisoners. He therefore had decided to commit suicide on the sixth anniversary of his being brought into the camp. His fellow prisoners tried to watch him carefully on this day, but nevertheless he succeeded.

30. There was, of course, considerable variation among individuals in the time it took them to make their peace with the idea of having to spend the rest of their lives in the camp. Some became part of the camp life rather soon, some probably never. The change to accepting camp life as real never took place before spending two years in camp. Even then everyone was overtly longing to regain freedom. Some of the indications from which I could observe the changed attitude were: scheming to find oneself a better place in the camp rather than trying to contact the outer world, avoiding speculation about one's family, or world affairs, concentrating all interest on events taking place inside of the camp. It so happened that on the same day news was received of a speech by President Roosevelt, denouncing Hitler and Germany, and rumors spread that one officer of the Gestapo would be replaced by another. The new prisoners discussed the speech excitedly, and paid no attention to the rumors, the old prisoners paid no attention to the speech, but devoted all their conversations to the changes in camp officers. When I expressed to some of the old prisoners my astonishment that they seemed no to be interested in discussing their future life outside the camp, they frequently admitted that they no longer could visualize themselves living outside the camp, making free decisions, taking care of themselves and their families. The changes in attitudes toward their families and to events taking place in the outside world were not the only ones which could be observed in old prisoners; other differences between old and new prisoners could be recognized in their hopes for their future lives, in the degree to which they regressed

H1106 - 0019

to infantile behavior, and in many other ways. When discussing these differences between old and new prisoners I wish to make clear that there were great individual varations, that all statements are generalizations based on my observation of and discussion with the individuals.

31. The new prisoners consistently accused their families of betraying and cheating them. They would weep over a letter telling of the efforts to their property had been sold without their permission. They would swear at their families which "obviously" considered them "already dead". Even the smallest change in their former private world attained tremendous importance.

32. The violent reaction against changes in their families was the counterpart of the prisoners' realization that they were changing. What enraged them was probably not only the fact of the change, but the change in standing within the family which it implied. Their families had been dependent on them for decisions, and now they were the ones to be dependend. That created in them a feeling of dependency. The only chance they saw for becoming again the head of the family was that the family structure remain untouched despite their absence. Also they knew the attitudes of most persons toward those who have spent time in prisons of any kind.

33. Old prisoners did not like to be remined of their families and former friends. When they spoke about them, it was in a very detached way. They liked to receive letters, but it was not very important to them. It has been mentioned that they had some realization of how difficult it might be for them to find their way back, but there was another contributing factory, namely, the prisoners' hatred of all those living outside of the camp, who "enjoyed life as if we were not rotting away".

34. This outside world which continued to live as if nothing had happened was in the minds of the prisoners represented by those whom they used to know, namely, by their relatives and friends. But even this hatred was very subdued in the old prisoners. It seemed that, as much as they had forgotten to love their kin, they had lost the ability to hate them. They had learned to direct a great amount of aggression against themselves so as not to get into too many conflicts with the Gestapo, while the new prisoners still directed their aggression against the outer world, and--when not supervised--against the Gestapo. Since the old prisoners did not show much emotion either way, they were unable to feel strongly about anybody.

35. Old prisoners did not like to mention their former social status or their former activities, whereas new prisoners were rather boastful about them. New prisoners seemed to try to back their selfesteem by letting others know how important they had been, with the very obvious implication that they still were important. Old prisoners seemed to have accepted their state of dejection, and to compare it with their former splendor--and anything was magnificent when compared with the situation in which they found themsleves--was probably too depressing.

36. Closely connected with the prisoners' beliefs about, and attitudes toward, their families were their beliefs and hopes concerning their life after release from camp. Here the prisoners embarked a great deal on individual and group daydreams. There was a marked difference between the daydreams of the new and the old prisoners. The longer the time a prisoner had spent in camp, the lese true to relaity were his daydreams. They were convinced that they would emerge as the future leaders of Germany at least, if not of the world. This was the least to which their sufferings entitled them. These grandiose expectations were coexistent with great vagueness as to their future private lives. In their daydreams they were certain to emerge as the future secretaries of state, but they were less certain whether they would continue to live with their wives and children. Part of these daydreams may be explained by the fact that they seemed to feel that only a high public position could help them to regain their standing within their families.

37. The hopes and expectations of the new prisoners about their future lives were much more true to reality. Despite their open ambivalence about their families, they never doubted that they were going to continue to live with them just where they had left off. They hoped to continue their public and professional lives in the same way as they used to live them.

38. Most of the adaptations to the camp situation mentioned so far were more or less individual. The changes discussed below, namely, the <u>regression to infantile behavior</u>, was a mass phenomenon. Whereas the prisoners did not interfe with another's daydreams or with his attitudes to his family, they asserted thei power as a group over these prisoners who objected to deviations from normal adult behavior. They accused those who would not develop a child-like dependency on the guards as threatening the security of the group, an accusation which was not without foundation, since the Gestapo always punished the group for the misbehavior of indifidual

H1106 - 0020

members. This regression into childlike behavior was, therefore even more inescapable than other types of behavior imposed on the individual by the impact of the conditions in the camp.

39. The prisoners developed types of behavior which are characteristic of infancy or early youth. Some of these behaviors developed slowly, others were immediately imposed on the prisoners and developed only in intensity as time went on. Some of these more or less infantile behaviors have already been discussed, such as ambivalence to one's family, despondency, finding satisfaction in irrealistic daydreaming rather than in action.

H1106 -0021

40. I am convinced that these behavior patterns were deliberately produced by the Gestapo. I mentioned that during the transportion the prisoners were tortured in a way in which a cruel and domineering father might torture a helpless child; here I should add that the prisoners were also debased by techniques which went much further into childhood situations. They were forced to soil themselves. In the camp the defecation was strictly regulated; it was one of the most important daily events, discussed in great detail. During the day the prisoners who wanted to defecate had to obtain the permission of the guard. It seemed as if the education to cleanliness would be once more repeated. It seemed to give pleasure to the guards to hold the power of granting or withholding the permission to visit the latrines. (Toilets were mostly not available.) This pleasure of the guards found its counterpart in the pleasure the prisoners derived from visting the latrines, because there they usually could rest for a moment, secure from the whips of the overseers and guards. They were not always so secure, because sometimes enterprising young guards enjoyed interfering with the prisoners even at these moments.

41. The prisoners were forced to say "thou" to one another, which in Germany is indiscriminately used only among small children. They were not permitted to address one another with the many titles to which middle- and upper-class Germans are accustomed. On the other hand, they had to address the guards in the most deferential manner giving them all their titles.

42. The prisoners lived, like children, only in the immediate present:

they lost the feeling for the sequence of time, they became unable to plan for the future or to give up immediate pleasure satisfactions to gain greater ones in the near future. They were unable to establish durable object-relations. Friendships developed as quickly as they

H1106 - 0022

H1106 - 0023

broke up. Prisoners would, like early adolescents, fight one another tooth and nail, declare that they would never even look at one another or speak to one another, only to become close friends within a few minutes. They were boastful, telling tales about what they had accomplished in their former lives, or how they succeeded in cheating foremen or guards, and how they sabotaged the work. Like children they felt not at all set back or ashamed when it became known that they had lied about their prowess.

43. Another factor contributing to the regression into childhood behavior was the work the prisoners were forced to perform. New prisoners particularly were forced to perform nonsensical tasks, such as carrying heavy rocks from one place to another, and after a while back to the place where they had picked them up. On other days they were forced to dig holes in the ground with their bare hands, although tools were available. They resented such nonsensical work, although it ought to have been immaterial to them whether their work was useful. They felt debased when forced to perform "childish" and stupid labor, and preferred even harder work when it produced something that might be considered useful. There seems to be no doubt that the tasks they performed, as well as the mistreatement by the Gestapo which they had to endure, contributed to their disintegration as adult persons.

All changes produced by living in the camp seemed to force the prisoners back into childhood attitudes and behaviors and they became in this way more or less willing tools of the Gestapo.

45. The final adjustment to the life in the camp. A prisoner had reached the final stage of adjustment to the camp situation when he had changed his personality so as to accept as his own the values of the Gestapo. A few examples may illustrate how this acceptance expressed itself.

46. The prisoners found themselves in an impossible situation due to the steady interference with their privacy on the part of the guards and other prisoners. So a great amount of aggression accumulated. In the new prisoners it vented itself in the way it might have done in the world outside the camp. But slowly prisoners accepted, as expression of their verbal aggressions, terms which definitely did not originate in their previous vocabularies, but were taken ever from the very different vocabulary of the Gestapo. From copying the verbal aggressions of the Gestapo to copying their form of bodily aggressions was one mor step, but it took several years to make this step. It was not unusual to find

H1106 - 0024

old prisoners, when in charge of others, behaving worse than the Gestapo, in some cases because they were trying to win favor with the Gestapo in this way, but more often because they considered this the best way to behave toward prisoners in the camp.

47. Practically all prisoners who had spent a long time in the camp took over the Gestapo's attitude toward the so-called unfit prisoners. Newcomers presented the old prisoners with difficult problems. Their complaints about the unbearable life in camp added new strain to the life in the barracks, so did their inability to adjust to it. Bad behavior in the labor gang endangered the whole group. So a newcomer who did not stand up well under the strain tended to become a liability for the other prisoners. Moreover, weaklings were those most apt eventually to turn traitors. Weadlings usually died during the first weeks in the camp anyway, so it seemed as well to get rid of them sooner. So old prisoners were sometimes instrumental in getting rid of the unfit, in this way making a feature of Gestapo ideology a feature of their own behavior. This was one of the many situations in which old prisoners demonstrated toughness and molded their way of treating other prisoners according to the example set by the Gestapo. That this was really a taking-over of Gestapo attitudes can be seen from the treatment of traitors. Self-protection asked for their elimination, but the way in which they were tortured for days and slowly killed was taken over from the Gestapo.

48. Old prisoners who seemed to have a tendency to identify themselves with the Gestapo did so not only in respect to aggressive behavior. They would try to arrogate to themselves old pieces of Gestapo uniforms. If that was not possible, they tried to sew and mend their uniforms so that they would resemble those of the guards. The length to which prisoners would go in these efforts seemed unbelievable, particularly since the Gestapo punished them for their efforts to copy Gestapo uniforms. When asked why they did it they admitted that they loved to look like one of the guards.

H1106 - 0025

49. The identification with the Gestapo did not stop with the copying of their outer appearance and behavior. Old prisoners accepted their goals and values, too, even when they seemed opposed to their own interests. It was appalling to see how far formerly even politically well-educated prisoners would go in this identification. At one time American and English newspapers were full of stories about the cruelties committed in the camps. The Gestapo punished the prisoners for the appearance

H1106 - 0026

of these stories true to their policy of punishing the group for whatever a member or a former member did, and the stories must have originated in reports of former prisoners. In discussions of this event old prisoners would insist that it is not the business of foreign correspondents or newspapers to bother with German institutions and expressed their hatred of the journalists who tried to help them. I asked more than one hundred old political prisoners the following questioned: "If I am lucky and reach foreign soil, should I tell the story of the camp and arouse the interest of the cultured world?" I found only two who made the unqualified statement that everyone escaping Germany ought to fight the Nazis to the best of his abilities. All others were hoping for a German revolution, but did not like the idea of interference on the part of a foreign power.

50. When old prisoners accepted Nazi values as their own they usually did not admit it, but explained their behavior by means of rationalizations. For instance, prisoners, collected scrap in the camp because Germany was low on raw materials. When I pointed out that they were thus helping the Nazis, they rationalized that through the saving of scrap Germany's working classes, too, became richer. When erecting buildings for the Gestapo, controversies started whether one should build well. New prisoners were for sabotaging, a majority of the old prisoners for building well. It seems that the majority of the old prisoners had realized that they could not continue to work for the Gestapo unless they could convince themselves that their work made some sense, so they had to convince themselves of this sense.

51. The satisfaction with which some old prisoners enjoyed the fact that, during the twice daily counting of the prisoners, they really had stood well at attention can be explained only by the fact that they had entirely accepted the values of the Gestapo as their own. Prisoners prided themselves of being as tough as the Gestapo members. This identification with their torturers went so far as copying their leisuretime activities. One of the games played by the guards was to find who could stand to be hit longest without uttering a complaint.

H1106 – 0027

This game was copied by the old prisoners, as though they had not been hit often and long enough without needing to repeat this experience as a game.

52. Often the Gestapo would enforce nonsensical rules, originating in the whims of one of the guards. They were usually forgotten as soon as formulated, but there were always some old prisoners who would continue to follow these rules and try to enforce them on others long -

H1106 - 0028

after the Gestapo had forgotten about them. Once, for instance, a guard on inspecting the prisoners' apparel found that the shoes of some of them were dirty on the inside. He ordered all prisoners to wash their shoes inside and out with water and soap. The heavy shoes treated this way became hard as stone. The order was never rpeated, and many prisoners did not even execute it when given. Nevertheless there were some old prisoners who not only continued to wash the inside of their shoes every day but cursed all others who did not do so as negligent and dirty. These prisoners firmly believed that the rules set down by the Gestapo were desirable standards of human behavior, at least in the camp situation.

53. Other problems in which most old prisoners made their peace with the values of the Gestapo included the race problem, although race discrimination had been alien to their scheme of values before they were brought into the camp. They accepted as true the claim that Germany needed more space ("Lebensraum"), but added "as long as there does not exist a world federation," they believed in the superiority of the German race. It should be emphasized that this was not the result of propaganda on the side of the Gestapo. The Gestapo made no such efforts and insisted in its statements that it was not interested in how the prisoners felt as long as they were full of fear of the Gestapo. Moreover, the Gestapo insisted that it would prevent them from expressing their feelings anyway.

54. Among the old prisoners one could observe other developments which indicated their desire to accept the Gestapo along lines which definitely could not originate in propaganda. It seems that, since they returned to a childlike attitude toward the Gestapo, they had a desire that at least some of those whom they accepted as all-powerful father-images should be just and kind. They divided their positive and negative feelingsstrange as it may be

H1106 – 0029

that they should have positive feelings, they had them--toward the Gestapo in such way that all positive emotions were concentrated on a few officers who were rather high up in the hierarchy of camp administrators, but hardly ever on the governor of the camp. They insisted that these officers hide behind their rough surfaces a feeling of justice and propriety; he, or they, were supposed to be genuinely interested in the prisoners and even trying, in a small way, to help them. Since nothing of these supposed feelings and efforts ever became apparent, it was explained that he hid them so effectively because otherwise he would not be able to help the prisoners. The eagerness of

H1106 -0030

in the jails, the camps, or had emigrated. Still, an institution was needed to threaten the opponents of the system. Too many Germans became dissatisfied with the system. To imprison all of them would have interrupted the functioning of the industrial production, the upholding of which was a paramount goal of the Nazis. So if a group of the population got fed up with the Nazi regime, a selected few members of this group would be brought into the concentration camp. If lawyers became restless, a few hundred lawyers were sent to the camp, the same happened to physicians when the medical profession seemed rebellious, etc. The Gestapo called such group punishments "actions" and this new system was first used during 1937-38, when Germany was first preparing to embark on the annexation of foreign countries. During the first of these "actions" only the leaders of the opposition group were punished. That led to the feeling that just to belong to a rebellious group was not dangerous, since only the leaders were threatened. Soon the Gestapo revised its system, and selected the persons to be punished so that they represented a cross-section through the different strata of the group. This new procedure had not only the advantage of spreading terror among all members of the group, but made it possible to punish and destroy the group without necessarily touching the leader if that was for some reason inopportune. Though prisoners were never told exactly why they were imprisoned, those imprisoned as representatives of a group came to know about it. Prisoners were interviewed by the Gestapo to gain information about their relatives and friends. During those interviews prisoners sometimes complained that they were imprisoned while more prominent foes of the Nazis were at liberty. They were told that it was just their bad luck that they had to suffer as members of a group, but if their fate did not teach the group to behave better, they would get a chance to meet them all in the camp.

57. Moreover, the Gestapo saw to it that the rest of the population learned of these "actions" through the newspapers. For purposes of intimidation not all news about the terror of the concentration camps was suppressed. Newspapers were permitted to reprint foreign reports on the concentration camps. The fact that the tortures were planned not only for breaking down the prisoners' ability to resist, but also for intimidating the rest of the population was demonstrated

H1106 -0031

these prisoners to find reasons for their claims was pitiful. A whole legend was woven around the fact that of two officers inspecting a barrack one had cleaned his shoes before entering. He probably did it automatically, but it was interpreted as a rebuff to the other officer and a clear demonstration of how he felt about the concentration camp.

Conclusions:

55. Based upon my knowledge of the Gestapo, and my confinement in Dachau and Buchenwald for one year, which furnished the personal experience and laboratory for the foregoing observations, I have reached certain conclusions as to the Nazi reasons for setting up the concentration camps and the results which they sought to achieve by conducting such camps in the manner which I have described. The conclusions are as follows:

(a) To spread terror among the rest of the population by using the prisoners as hostages for good behaviour, and by demonstrating what happens to those who oppose the Nazi rules.

(b) To provide the Gestapo members with a training ground in which they were so educated as to lose all human emotions and attitudes, and learn the most effective ways of breaking resistance in a defenseless civilian population.

(c) To provide the Gestapo with an experimental laboratory in which to study the effective means for breaking civilian resistance, the minimum food, hygienic, and medical requirements needed to keep prisoners alive and able to perform hard labor when the threat of punishment takes the place of all other normal incentives, and the influence on performance if no time is allowed for anything but hard labor and if the prisoners are separated from their familes.

(d) To break the prisoners as individuals and to change them into docile masses from which no individual or group act of resistance could arise.

56. Some additional comment on these conclusions is indicated. With respect to (a) above--the spreading of terror among the rest of the people--that objective does not appear to have been an original purpose of the concentration camp device. When the concentration camps were first established the Nazis detained in them their more prominent foes. Pretty soon there were no more prominent enemies available, because they were either dead,

H1106 - 0032

at the beginning of my experience with the Gestapo. When boarding the train for Dachau the SS men butchered several prisoners on an exposed platform. Hundreds of spectators viewed this incident from the windows of adjacent houses.

58. I learned from fellow prisoners how they were used as hostages. They had learned from letters that their release had been promised to their relatives if both prisoner and relatives would behave better, would

H1106 – 0033

be more loyal Nazis. The release was again and again postponed with the explanation that some relative was not a "good" Nazi.

59. A further example of (b) above, namely, the concentration camp as a training ground for Gestapo members in which they are so educated as to lose all human emotions, was afforded by the studied arrogance of Gestapo personnel in the presence of prisoners. The Gestapo considered, or pretended to consider, the prisoners the scum of the earth. They insisted that none of them was any better than the others. One of the reasons for this attitude was probably to impress the young guards who received their training in the camp that they were superior to even the most outstanding prisoner and to demonstrate to them that the former foes of the Nazis were now subdued and not worthy of any special attention. If a formerly prominent prisoner had been treated better, the simple guard would have thought that he is still influential; if he had been treated worse, they might have thought that he is still dangerous. This was in line with the desire to impress the guards that even a slight degree of opposition against the Nazi system led to the destruction of the person who dared to oppose, and that the degree of opposition made no difference in this respect.

60. The fact that these young SS men were not only permitted but encouraged to use former secretaries of state, generals, university professors as their slaves taught them not only to disrespect superiority, but to become convinced of their being "supermen."

61. Tortures were, moreover, such common occurrences in the camp that they no longer evoked any reaction in the guards. To kick and whip prisoners became to them a nearly automatic response. If a prisoner passed a guard he expected to be hit or kicked, since this seemed to be

H1106 - 0034

the "conditioned" response of these fledgling "supermen." Finally their daily contact with the undernourished prisoners accustomed them to feel no pity with a starving population.

62. An example of the use of the camp as a laboratory for experimentation in minimum food requirements (conclusion c above) were the frequent changes in food rations. Bread rations were increased and decreased. On some days no food was distributed, on other days no food other than bread. This was particularly true in Buchenwald where the prisoners' weight was regularly checked.

63. To recapitulate, it is apparent that the concentration camp had an importance reaching far beyond its being a place where the Gestapo took revenge on its enemies. It was the main training ground for young Gestapo soldiers who were planning to rule and police Germany and all conquered nations; it was the Gestapo's laboratory where it developed methods for changing free and upright citizens not only into grumbling slaves, but into serfs who in many respects accepted their masters' values. The "old" prisoners still thought that they were following their own life goals and values, whereas in reality they accepted the Nazis' values as their own.

64. Moreover, what happened in an extreme fashion to the prisoners who spent several years in the concentration camp happened in less exaggerated form to the inhabitants of the big concentration camp which was formerly greater Germany. The system seemed too strong for an individual to break its hold over his emotional life, particularly if he found himself within a group which had more or less accepted the Nazi system. It seemed easier to resist the pressure of the Gestapo and the Nazis if one functioned as an individual; the Gestapo seemed to know that and therefore insisted on forcing all individuals into groups which they

H1106 - 0035

supervised. Some of the methods used for that purpose were the hostage system and the punishment of the whole group for whatever a member of it did; not permitting anybody to deviate in his behavior from the group norm, whatever this norm may be; discouraging solitary activities of any kind, etc. The main goal of the efforts seemed to be to produce in the subjects childlike attitudes and childlike dependency on the will of the leaders. Thus, it was very difficult, if not impossible, for individuals to resist the slow process of personality disintegration produced by the unrelenting pressure of the Gestapo and Nazi system.

65. Further elaboration of the data, statements, and conclusions contained herein is to be found in an article which I wrote for an American publication, the Journal of Abnormal and Social Psychology (1943, Vol. 38, pp. 417-452). An authentic copy of such Article is annexed hereto as Exhibit A and made a part of this affidavit.

(Signed) Bruno Bettelheim

Subscribed and sworn to before
me this the 10th day of July 1945.

(Signed) Edward L. Davis
Notary Public

25-49819-35

DOCUMENT NO. L-83

H1106 - 0036

City of Washington)
) ss:
District of Columbia)

Gerhart H. Seger being first duly sworn deposes and says:

1. I was born in Leipzig, Germany, in 1896 and lived there until my induction into the German Army in 1915. I was successively attached to the Cavalry, Infantry and Air Force, and concluded my military service as a pilot in the German Air Force. I experienced a considerable amount of combat flying duty, was shot down over France in August 1918. I received several decorations, one of which was the highest medal awarded by the Austrian government. Following my demobilization from the Army I attended Leipzig University where I received a degree in journalism in March 1920. Thereafter I became editor of a newspaper in Berlin in the period 1920-1923. After that I held a position with the German Peace Society until 1928, edited a paper in Dessau during the period 1928-1933, and was elected to the Reichstag in 1930.

2. During the period after World War I up until my commitment to the Leipzig jail and Oranienburg concentration camp in the spring of 1933 following the Nazis' accession to power in January of that year, my business and political affiliations exposed me to the full impact of the Nazi theories and practice of voilent regimentation and terroristic tactics. My conflicts with the Nazis by virtue of my identification with the peace movement, and as a duly elected member of the Reichstag representing a political faith (Social Democratic Party) hostile to National Socialism, clearly demonstrated that, even in the period prior to 1933, the Nazis considered crimes and terrorism a necessary and desirable weapon in overcoming democratic opposition. The knowledge acquired as a result of these personal experiences during the period eventuating in successful culmination of the Nazis' efforts to seize power led me to a realization of some of the fundamental purposes and objectives which that group sought to accomplish by the systematic adoption of these tactics. The lapse of time attested the validity of that realization. While rarely openly articulated during the period embraced by my personal knowledge, the overt actions and studied practices of the Nazis could be directed to only one goal; namely, the perfection of rigid control over Germany as a preliminary step to dominance in Europe, and, possibly, eventual world hegemony. At that time the basic pattern was in process of formulation. The following aspects of that pattern were evidenced by the actions of the Nazis which came within the scope of my personal experience:

(a) Destruction of political resistance to the Nazi ideology by terrorizing, confining, and destroying democratic opposition elements.

(b) Division of German citizenry on a racial basis and discrimination against those who were adjudged not to be of German blood.

(c) Unlawful appropriation, spoliation, and forced sale of property for the personal enrichment of Nazis and for the purpose of establishing, solidifying, and maintaining internal control in Nazi hands.

(d) Destruction of racial minorities and political opponents through systematic underfeeding, deprivation of a livelihood, clothing, shelter, food and medical care; deportation of forced labor; work under inhumane conditions.

While the attainment of power was a necessary condition to the full flowering of the Nazi criminal and terroristic methodology, the outcroppings of such a policy were visible in the years preceding 1933. Specific overt acts, within the scope of my personal knowledge, which evidence the Nazis' belief at that time that the use of force, regimentation, and terrorism was necessary to the accomplishment of their purposes, are included in this statement.

3. In 1923 my interest in the German peace movement induced me to accept the position of Secretary General of the Deutsche Friedensgesellschaft which was the leading organization within Germany advocating compliance with the terms of the Treaty of Versailles on the part of Germany. At that time the important policy issue before the German public was whether Germany should conscientiously fulfill its obligations under the Treaty of Versailles with a view to obtaining its gradual revision in a peaceful manner or whether there should be a concerted, albeit clandestine, effort to sabotage the Treaty. The Peace Society with which I became affiliated advocated adherence on the part of Germany to the Treaty of Versailles and a policy of reconciliation with former allies. Espousal of these principles enabled this organization to make a substantial contribution to the cause of peace. Its president, Dr. Ludwig Quidde, the Historian of Munich University, was awarded the Nobel Peace Prize in 1925. In its opposition to clandestine militarism the tenets of this organization were diametrically opposed to the principles and practices of the National Socialist Party. The latter party and sympathetic militaristic interests evolved the theory of the "unreality of defeat" and that "our armies were not beaten" as a basis for the doctrine that since the conclusion of the war a shame and disgrace had befallen Germany which could only be rectified by a great sacrifice, eventually, a war. Thus, the ideological predicate was laid for a vehement militarism on the part of these groups.

4. The antagonism of the followers of Hitler to my organization was dramatically demonstrated on numerous occasions when meetings of the Peace Society were broken up and terrorized by shock-troops and SA units. A number of examples are given below:

(a) One such occasion relates to a meeting in Essen in May 1923. At that time France had occupied the Ruhr Basin as a result of Germany's default on her Treaty obligations. While the German government had instructed the population of that territory to refrain from any acts of violence, the Nazi Party organized groups of saboteurs to create unrest and stimulate violence. The best known leader of the saboteurs was a soldier of fortune by the name of Leo Schlageter who subsequently was sentenced to death by a French military court and executed. In its program of supporting the government the German Peace Society arranged for a number of meetings in that territory to impress upon the population the necessity for an attitude of understandings. I was scheduled as the principal speaker at one of these meetings which was held in Essen during the month of May, 1923, attended by an audience of several thousands of persons. Before the meeting got underway an organized Nazi group strong-armed their way to the platform with the announced purpose of attacking me, but were prevented from reaching the stage by local police. However, they

H1106-0037

assaulted a number of participants of that meeting and succeeded in creating such a disturbance that the meeting had to be adjourned.

(b) Another such occurrence took place in the spring of 1925, at Siegen, Westphalia, where a meeting was scheduled to take place at the municipal auditorium. Shortly before the meeting a large group of the SA gained entrance to the building and occupied the front part of the auditorium. The presiding officer of the meeting was to be the chairman of the local branch of the German Peace Society who was a war veteran having lost both of his legs. While I was accompanying him slowly from the railroad depot toward the municipal auditorium we were overtaken by storm troopers who were discussing their plans to prevent this meeting from being carried out. We also heard that both the chairman of the meeting and I, as the speaker, were to be beaten up and forced out of town. Nevertheless, we proceeded to the auditorium and I began my address which was constantly interrupted by cat calls and insulting remarks. Finally the Nazis arose as a group and tried to storm the stage. However, they were prevented from doing so by Prussian State Police who had appeared in sufficient numbers to thwart the attempt. This rowdyism necessitated premature adjournment of the meeting by the Chief of Police. The chairman of the meeting was escorted to his house by the police and a guard accompanied me to the railroad depot.

(c) On one occasion during the period of my association with the German Peace Society I wrote and caused to be published a pamphlet or monograph on the subject of the "Black Reichswehr." This was a commentary on the methods pursued by the Reichswehr in seeking to evade the terms of the Treaty of Versailles. Shortly after this document was distributed the Nazi press, including Hitler's own newspaper, "Voelkischer Beobachter," demanded my indictment for treason. Prior to the publication of this pamphlet the Pact of the Locarno had been signed and the allied forces withdrew their Army of Occupation, thus leaving to Germany the fulfillment of the Versailles Treaty without formal Allied supervision. The violent criticism to which this document was subjected evidenced the open hostility of the Nazis to any program contemplating the revision of the Treaty of Versailles by peaceful or legal methods.

(d) The foregoing represent examples of the tactics and attitude of the Nazis with reference to the German Peace Society. It, of course, exemplified their attitude toward any person or organization which stood for adherence to the Treaty of Versailles and the restraint of German militarism. It is not necessary for me to relate further specific examples of the terroristic methods to which I was exposed during the period of my connection with this Society. The foregoing instances were repeated many times. These events made it apparent that the Peace Society would thereafter be ineffective in combatting the militaristic trend which had the silent support of the Reichswehr and the open espousal of the Nazis as well as the Conservative-Nationalist Party led by Dr. Hugenberg. Therefore, I left my position with the German Peace Society and returned to my journalistic profession. I became the editor of a daily social democratic newspaper, the "Volksblatt", published in Dessau, Anhalt.

5. The former Dukedom of Anhalt was part of the Reichstag Constituency No. 10, Magdeburg-Anhalt. I was selected

H1106 - 0038

by the Social Democratic Party of the Constituency as one of its candidates for membership in the Reichstag, and ran for election which took place on the 14th of September 1930. I was elected at that time. This was the first election in which the Nazis made substantial gains, having increased their number of representatives in the Reichstag from 13 to 107. During the campaign Nazi terrorism was prevalent in those Constituencies in which they were desirous of making a showing or where they thought they had a chance of winning. In this election Himmler was one of my competitors; also General von Seeckt, who, although not a candidate of the Nazi Party, had earned the support of the Nazis by virtue of his militaristic views. These leaders received sufficient votes for election under the system of proportional representation. Himmler's candidacy made the result of the election in this district a question of party prestige. One of the means employed by the Nazis to insure a particular success in that district was to bring in prominent outside speakers of their Party together with an imposing detachment of storm troopers. They not only followed this strategy in meetings arranged for their own speakers where storm troopers prevented anyone connected with the opposition from taking the floor, but they also sent speakers into meetings of other political parties accompanied by many storm troopers, often physically taking over the meeting. One particular meeting which the Nazis tried to take over physically was held during that campaign in the city of Raguhn in Anhalt. The meeting was called by the Social Democratic Party and I was the principal speaker. The Nazis brought with them, as speaker, the leading SA officer and Gauleiter of the Province of Silesia, Edmund Heines. As soon as Heines was given the floor to reply to my address, the storm troopers advanced toward the stage and made preparations to take the meeting over. The State Police of Anhalt, however, was represented in sufficient strength to forestall that audacious attempt.

6. Another meeting during that campaign took place in the City of Aschersleben where the Nazis brought in as their speaker Roland Freisler who later became the Minister of Justice in the Nazi government of Prussia. Freisler brought with him such a large detachment of storm troopers, some of whom were armed with pistols and clubs, that they succeeded in forcibly excluding everybody not in sympathy with their views, and thus concluded as their own meeting the one which had been called by the Social Democratic Party.

7. As in the case of terroristic tactics manifested in connection with meetings of the Peace Society, the foregoing incidents are representative of the systematic practices of the Nazis with reference to their political opponents. These violent tactics, repeated many times, are thus demonstrated to have constituted an integral aspect of their political creed. Always the first endeavor of this method was to transmute political dispute into physical combat, and thus to rely on superior fighting technique and brutality as a method of achieving success in the public forum.

8. Even in the actual deliberations of the Reichstag the Nazis resorted to the same ruthless procedures. Here again they sought to destroy parliamentary government and attain their ends by a display of aggression and the use of oppressive methods. Illustrative of their actions within the halls of the Reichstag are the following:

(a) On the 14th of September 1930, 107 Nazi members of the Reichstag were elected out of a total membership of

H1106 – 0039

524. This group of 107 Nazi members conducted themselves like a st rm troop unit. Whenever representatives of the government or the democratic parties spoke the Nazi members marched out in a body in studied contempt of the speaker, or entered in a body to interrupt the speaker, thus making it physically impossible for the Reichstag President to maintain order.

(b) According to the rules of the Reichstag a limited speaking time was accorded to each speaker depending upon his place in the debate. The speaker of the house was charged with maintaining that schedule. It was one of the favorite tactics of the Nazis to disrupt the schedule by a noisy demonstration whenever one of their own speakers ran overtime and was cut off by the Reichstag President. On such occasions, the Nazis created such a bedlam that the President could not make himself heard. Similarly, in the case of speakers of opposition parties, the Nazi members constantly interrupted, often resorting to lengthy and spurious parliamentary maneuvers, with the result that the schedule of the session was thrown out of gear.

(c) The tactics of disturbance of parliamentary proceedings employed by the Nazis finally culminated in physical attacks upon members of the house as well as visitors. At one time in 1932 a visitor, Helmuth Klotz, who came to call on a democratic member of the house was physically attacked by the Nazis. Klotz had been a well-known submarine commander in the German Navy in World War I and, as an ardent supporter of the republic, had publicly opposed a policy of secretly rearming Germany thus incurring the wrath of the Nazi Party. He was attacked in a corridor of the Reichstag Building by Heines and other Nazi members of the house, and, when democratic members of the house came to his rescue, the Nazis called more of their members to press the assault until the Reichstag President found it necessary to call the police to restore order.

(d) The Nazi members who were the greatest offenders in disrupting the proceedings and in employing oppressive tactics were Joseph Goebbels, Robert Ley, Alfred Rosenberg, Erich Koch, Edmund Heines, Hans Frank, Fritz Terboven and others whose names I do not recall.

(e) That the Nazis had already conceived the device of the concentration camp as a means of suppressing and regimenting opposition elements was forcefully brought to my attention during the course of a conversation which I had with Dr. Wilhelm Frick in December 1932. Frick at that time was Chairman of the Foreign Affairs Committee of the Reichstag of which I was a member. When I gave an emphatic answer to Frick concerning the particular matter discussed, he replied, "Don't worry, when we are in power we shall put all of you guys into concentration camps." When the Nazis came into power Frick was appointed Reichsminister of Interior and promptly carried out his threat in collaboration with Goering, as Chief of the Prussian State Police, and Himmler.

(f) Early in July 1932 the Reichstag was dissolved and elections scheduled for the 31st of July. Again the Nazis manifested their contempt for democratic processes by the increased use of force during the course of the campaign. Interruption of meetings, heckling and beating of democratic speakers, and general terroristic practices were resorted to in full measure during that campaign. I was again re-elected to the Reichstag at the conclusion of the

H1106 – 0040

campaign. It was far more difficult at that time to obtain adequate protection from the Prussian State Police for the reason that the Papen-Putsch of 20 July 1932 resulted in the declaration of martial law in Prussia. The Reichwehr, under the command of General Gord von Rundstedt, did little to maintain order at political meetings.

(g) After Hitler was appointed Chancellor on 30 January 1933 the Reichstag was again dissolved and an election scheduled for the 5th of March. Nazi methods of terror reached a peak in this campaign. During the period immediately preceding the scheduled election date I was campaigning in my home district where the Nazis had taken a dominant part in the election. On the 2nd of March between the hours of 2:00 and 3:00 a.m. my wife and I were awakened by a disturbance in the street. Five storm troopers appeared in front of the apartment house calling my name. My wife stepped out of our bedroom onto the balcony to ascertain the cause of the disturbance. As she did so one of the storm troopers fired a revolver and the shot went over her head into the ceiling of our bedroom. The next day I took my wife and daughter to the home of my mother in the city of Leipzig intending to stay there until the Reichstag reconvened. On Sunday, March 12, while my wife was taking our child out for a walk the door bell at my mother's apartment rang. Three local policemen and four SA men appeared at the door and requested me to identify myself which I did. Thereupon, they took me in an automobile to a police jail in the City of Leipzig where I was kept in solitary confinement for two days. On March 14 I was transferred to the county jail of Dassau where I was again kept in solitary confinement for three months. During the period of my incarceration in these prisons I was given relative freedom in the use of my time and was, in general, treated properly. From time to time I was interrogated by Dessau police officers in a manner indicating that they would like to establish that I was connected in some way with the Reichstag fire. This was an obvious "red-herring" which the police, on orders of the Gestapo, resorted to for the purpose of suggesting some justification, however tenuous, for my continued detention. The transparent absurdity of this tactic finally induced the police to abandon it.

9. During my imprisonment I made every attempt within my power to bring about my release or, at least, to have charges filed in the desperate hope that they might be the subject of a judicial hearing. Among other things, I wrote a letter to the President of the German Supreme Court, Dr. Erwin Bumke, pointing out that my arrest constituted an infringement of my parliamentary immunity, as a member of the Reichstag Foreign Affairs Committee, which continued in effect until the New Reichstag convened. Also, in oral and written communications to various officials, I insisted on the protection afforded to citizens of Germany under the Weimar Constitution. My lawyer demanded that charges against me be filed or otherwise made known to me. These efforts were wholly ineffective. Charges were never filed nor did I receive a single coherent statement from any Nazi or police official, high or low, which informed me of the legal or, indeed, the political basis for my incarceration. Evidently, my only sin was my refusal to subscribe to the principles and methods of the Nazi Party. That refusal was reflected in my public and parliamentary statements and in my writings. Such disagreement was consistently peaceful and never implemented by physical aggression or by my association with any group which

H1106 – 0041

sponsored the use of physical force. However, under the regime which came into power on 30 January 1933, mere disagreement involved, inexorably, jeopardy of the heretic's life.

10. On 14 June 1933 I was transferred to the concentration camp at Oranienburg. I remained in Oranienburg until the 4th of December 1933 when I escaped from that institution and was fortunate enough to get across the German-Czechoslovakian border. My experiences in that camp have heretofore been documented in my book entitled, "A Nation Terrorized" which was published by the Reilly & Lee Company, Chicago, in 1935.

Signed: Gerhart H. Seger

Subscribed and sworn to before

me this the 21st day of July 1945.

SIGNED: EDWARD L. DAVIS
Notary Public.

H1106 – 0042

TRANSLATION OF DOCUMENT L 135
OFFICE OF THE U.S. CHIEF OF COUNSEL

1. Translation into English: letter originating in the Ministry of the Interior of the Reich and Prussia, to Frau Schmidt, signed by Dr. Hoche, dated 20 February 1937.

2. Certification dated October 6, 1934 of copy of Hess letter by Bavarian notary.

3. Translation into German of certification of photostat dated 9 July 1945. Letter originating in the Ministry of the Interior of the Reich and Prussia to Frau Schmidt by Pfundtner, dated 14 September 1935

H1106 – 0043

TRANSLATION OF DOCUMENT L 135
Continued

Reich and Prussian
Minister of the Interior
Nr. I A 933 II/3510

Berlin 20 February 1937
NW 40 Koenigsplatz 6.
Telephone:
Abtlg. Z. I,II,V,Viii: A 1 Jaeger 0027
Abtlg. IV, VI,VII (Unter den Linden 70/72)
A 2 Flora 0034
Cable code: Minister of the Interior
(Innenminister)

To

Frau Käthe Schmid

in Munich
Schackstrasse 3 III

Information concerning my income as of 14 September 1935 I A 7170/3510.

The Adjutant of the Fuehrer and Chancellor of the Reich, Captain ret. Wiedemann has informed me, that you intend to emigrate to SALZBURG (Austria) sometime during the month of March, and requested, to transfer the monthly revenue of 1000.00 Reichsmark to the government of UPPER-BAVARIA in Munich, starting on March 1, 1937. I have taken the necessary steps in this respect and informed the President Governor of (the district) of Munich.

I request that without delay the President Governor of Upper Bavaria be kept informed of any future change in your personal legal status and your children's, as well as of each improvement of your financial circumstances and furthermore that you submit to him a police life-attest for you and your children prior to February 15 of each year.

By order
(signed) Dr. Hoche

(seal) Reich and Prussian
Ministry of Interior

Certified
Signature ?
Employee of Chancellory

H1106 - 0044

TRANSLATION OF DOCUMENT L 135
Continued

Business Reg. Nr. 996

It is confirmed, that the copy is of the same tenor as the document submitted to me and which is called the principal document.-
Munich, the sixth October nineteenhundred thirty four.
Bavarian (NOTARIAT) Munich XVI:

Notary's Business Registrations Nr. 996	
Stampiglie Business Registration Nr. 996	
Stamp Tarif 42	2.00
20% additional fee	0.40
Writing fee	0.30
Sa:	RM 2.70
	paid

(Stamp seal)

(Signed) R. Kleinmann
(NOTARIATS) administrator

H1106 – 0045

TRANSLATION OF DOCUMENT L 135
Continued

Ich beglaubige, dass ich das Originaldokument gesehen habe, welches wie folgt betittelt ist:

"Der Reichs- und Preussische Minister des Innern, Nr. IA 7170/3510"

Datiert in Berlin NW 4D 14. September 35, und dass die beigeheftete Fotokopie eine genaue Kopie des besagten Dukumentes in jeder Einzelheit ist.

(signed)

Norwood Cox
Amtsstelle des Generalrates
Amtsstelle der Strategischen Dienste

Persoenlich vor mir erschien an diesem 9ten Tag des Juli 1945 Norwood Cox, der mir persoenlich als der besagte Norwood Cox bekannt ist und beglaubigt unter Eid, dass die obige Aussage wahr und richtig ist.

(signed) Alice B. Foy, Notar
Meine Bevollmaechtigung laeuft am 1.Aug.48 ab.

H1106 – 0046

TRANSLATION

Certified Copy.

The Deputy to the Fuehrer
NSDAP
45 Brienner Street, Munich

September 24, 1934

My dear Mrs. Schmidt-

I have been informed that you would like to have confirmed to you in writing, particularly insofar the interests of your children are concerned, what I have already stated to you upon the occasion of my visit with you, to wit, that your husband was not shot because he was considered culpable by reason of any connection with the Röhm-revolt, or for any other reason. In fact he was the victim of an accident.

As I have already assured you, it is precisely in connection with the tragic death of your husband that care has been exercised that so far as it is humanly possible, such an accident shall not occur again. To a certain extent that may be termed the legacy of your late husband that extends beyond the close ties of family and friends.

Again with my sincere expression of sincere sympathy,

I am, yours very sincerely,

R. Hess

Mrs. Käthe Schmidt
3 Schackstrasse
Munich

H1106 - 0047

TRANSLATION OF DOCUMENT L 135
Continued

T R A N S L A T I O N

Ministry of the Interior
for the
Reich and Prussia

Berlin, N.W. 40, 14 Sept. 1935

No. I A 7170/3510

TO: Mrs. Käthe Schmidt
in Munich

In lieu of the payments made to you in Munich by the Office of the Leader of the SS of the NSDAP, 9 Prinz Albrecht Street, Berlin, SW 11, by reason of the demise of your husband, the editor Dr. Wilhelm Schmid, I hereby authorize the payment to you out of funds of the Reich Government, commencing August 1, 1935, of a monthly sum of RM 1000.

Out of this amount the sum of RM 400 are your share and each of your three children shall be entitled to RM 200. This payment to your children shall continue to be made through the 25th year of their lives.

The main disbursing office of the Reich is directed to pay to you in advance on the first of every month, the sum of RM 1000, and to deposit the same to your account KA 224 with the Bavarian Mortgage and Exchange Bank, Kaufinger Street, Munich.

The installments of RM 1000 each payable on August 1st and September 1st 1935 have already been advance by the Office of the Leader of the SS.

This payment may be decreased in amount whenever your financial position or that of the children improves to an extent that makes it appear unnecessary to continue your support out of funds of the Reich in the same amount. For the purpose of determining whether your financial position has improved, only personal income of yourself and of your children will be considered insofar as it exceeds the monthly amount of RM 200.

You are required to make an immediate report to me in the event that you should remarry, and also to report tome every instance of improvement in your financial position and that of the children. On or before March 15th of every year you will file with my office a police certificate of evidencing the existence of your self and of your children, bearing reference to this order No. IA 7170/3510.

In addition I would ask you to inform me of the first names and birthdays of your children, so that the above file may be complete.

By direction

(sd) Pfundtner

(Seal of the Ministry of the Interior)

Certified copy:

(sd) Fischer
authorized employee

I certify that the above is a complete, true and correct translation from German into English of the original letter

MARGOT BOATWRIGHT

H1106 - 0048

DEPOSITION OF KATE EVA HOERLIN

STATE OF NEW YORK)
)
COUNTY OF BROOME) SS.:
)
CITY OF BINGHAMTON)

KATE EVA HOERLIN being duly sworn, deposes and says:

On Saturday, June 30, 1934, I was living with my former husband Dr. WILLI SCHMID, and my three Children RENATE (DUSCHA) age 9, THOMAS age 7, and HEDI age 2, in a third floor apartment at 3 Schackstrasse, Munich, Germany.

At that time my husband, WILLI SCHMID, was the music critic for the "Muenchener Neuste Nachrichten", the leading newspaper in Munich.

At 7.20 in the evening of June 30, while my husband was in his study playing the "cello and while I was helping prepare supper and the children were playing around the living room and kitchen, the front door bell rang. My maid, ANNA BIELMEIER, answered the door. She went to my husband and said that there was a man at the door who wanted to talk with him about a job. I asked my husband why anyone would come around at this time on a Saturday evening - but he said that he would see him anyway. I followed my husband to the door and saw a man standing there in civilian clothing. Just as my husband reached the door the man in civilian clothing stepped aside, and four men dressed in the SS uniform, and fully armed, appeard from the side of the hall and pushed their way into our apartment and into my husband's study. I followed them in. My husband asked them what they wanted. They merely replied: "Come with us at once". My husband then asked them whether they had any warrant or identification and they replied that they did not need any. I said to them that there must be some mistake, and that I would get my husband's identification papers which were in a drawer in his desk. I turned around to go to the desk which was on the other side of the room when my husband shouted to me: "Don't move - they'll shoot you."

(end of page)/s/ KATE EVA HOERLIN

I stopped where I was and looked back to see all four of the SS men with their guns pointed at me.

They then grabbed my husband an pushed him out of the study door. As they reached the hall my husband asked whether he could take his hat which was hanging there. They permitted him to do this and proceeded to lead him away. I asked the SS men if I could go along, but they would not answer me. I followed them down the stairs and out into the street where there was a car waiting. I was, of course, at this point in a very worried state - and as they forced my husband into the car I kissed him. My husband, on the other hand, was completely calm and as he got into the car he said to me: "Be calm, dear - it can only be some mistake". Those were his last words to me and I remember them with complete clearness.

The thought occurred to me at once that I should catch the unmber of the car. This I did, and I wrote it down as soon as I had reached my apartment again.

I at once telephoned Dr. ARTHUR HUEBSCHER, one of the editors of my husband's newspaper, and told him what had happened. He came over to my apartment immediately. During that night I made unnumerable other telephone calls, calling everyone I thought might be of assistance. I called the police, who simply told me that they knew nothing - and that there was nothing that they could do for me. I also called the Gestapo headquarters at various times during the night, and they also merely informed me that they knew nothing about it.

On Monday officials from the "Muechener Neuste Nachrichten" contacted KARL HANIEL in Dusseldorf who was on the Board of Directors of my husband's paper, and who was a very prominent figure in German industry holding, among other positions, the presidency of the Board of Directors of the

H1106 – 0049

"Gutehoffnungshuette" the large German steel works. He came to Munich, arriving there about the third of July. He contacted the Gestapo at once, and because of

(end of page) /s/ KATE EVA HOERLIN

his influence he was able to obtain for me the first information about my husband's death. He was told that my husband had been shot at Dachau "by accident". He was told that the body would be released as "the body of an innocent person" and he was given instructions as to how he could obtain it.

On July 4, KARL HANIEL, his cousin KURT HANIEL as well as Captain SCHENCK and another man from the "Muenchener Neuste Nachrichten" went as instructed to Dachau and picked up the body at an underpass just outside the camp. It was in a bare wooden box coffin which was firmly sealed and which had written on it in blue chalk "Dr. Willi Schmidt". It was delivered to KARL HANIEL et al by members of the Gestapo who, in a manner which left no doubt as to the consequences of disobeying, ordered that no one was under any circumstances to open the coffin.

The funeral was set for July 6th. I wanted to publish the usual death notice in my husband's newspaper, but I was informed by the official I contacted on the paper that they had been instructed by the Gestapo that no death notice could be published without the prior approval of the Gestapo. I contacted the Gestapo by telephone, requesting permission to publish the death notice. They told me that I might publish it provided that I made no mention of the date of the death or the time of the funeral as such mention might cause public unrest. I told them that I would not publish a lie, and hung up. However, without my assent the newspaper published the death notice in accordance with the Gestapo restrictions. I was also informed by the Gestapo that any music which was to be played at the funeral, as well as any speech contemplated in honor of Dr. SCHMID, would have to be first censored by them.

(end of page) /s/ KATE EVA HOERLIN

My brother-in-law, WALTER SCHMID, obtained what was supposed to be an official death certificate for me. However, the certificate he gave me stated on it that my husband had died at Dachau at 6 PM on June 30, 1934. I asked my brother-in-law to see if he could not procure a true death certificate, as my husband has not even been arrested at the hour stated on the certificate given me. In the company of my other brother in law, FRANZ RINGLER, WALTER whom he asked to explain the obvious error on the face of the certificate he had received. KELLNER informed my brothers in law that the certificate had been made out in accordance with verbal instructions given by Obersekretaer LUTZENBAUER, an official of the Dachau Concentration Camp. This latter individual might have direct information concerning the murder of my husband.

When my husband was taken away he had in his possession a gold watch which was a family heirloom. He also had some money and other personal effects on him. Many times I requested the Gestapo to return this watch to me, as I had a strong sentimental attachment to it, and I wasoften assured that it would be returned. But neither the watch or any of the other effects which my husband had in his possession when he was taken away were ever returned to me.

On July 7th an official of the Gestapo, one Regierungsrat BRUNNER, came to my residence. He said that he had come to express his sorrow for the "regrettable accident". I asked him what was the reason for having arrested my husband, and many other questions. He refused to answer any question I asked him.

During the following weeks the Gestapo twice tried to offer me money, and messengers were sent to my house with this money. They never stated why the money was being offered, and did not want a receipt or any other formal acknowledgment of it. I refused this money each time. The first time the messenger brought it back with him, but the second time he insisted on leaving it at my apartment. I took the money to the Braunchaus, NSDAP headquarters in Munich where I told an official what had happened and that I refused to accept the money. A Captain FRITZ WIEDEMANN who was a member of

H1106 - 0050

TRANSLATION OF DOCUMENT L 135
Continued

H1106 - 0051

RUDOLPH HESS' staff overheard my conversationand he offered me his assistance. He told me that I could leave the money there and that he would endeavor to obtain a legal pension of some kind for me. He also said that he would try to obtain a statement for me that my husband was entirely innocent of any wrong. Shortly thereafter I received a phone call, a voice on the other end of the line saying to me that HEINRICH HIMMLER desired to speak to me. A very arrogant voice then came on the line and told me that I had better accept the money which had been offered me and keep quiet about the matter. I repeated my refusal and hung up. I immediately contacted Captain WIEDEMANN and told him about the phone call from HIMMLER. Not long thereafter, on the 31st of July, RUDOLPH HESS came personally to visit me accompanied by an adjutant. He said that he had come to express his sympathy, and to assure me that the guilty ones would be punished. I told him not to punish the the young boys who had taken my husband away that night but to punish the really guilty ones who were responsible for their acts. He told me that I should think of my husband's death as the death of a martyr for a great cause. He promised me that he would personally concern himself with the case.

The visit was followed by a letter from RUDOLPH HESS, dated September 24, 1934, in which HESS referred to his visit and in which he stated that my husband was not in "any way" shot because of any connection with the ROEHM Revolt or becuase of any guilt on

(end of page) /s/ KATE EVA HOERLIN

his part. A copy of this letter, attested by a Munich notary, Dr. KLEINMANN, is attached hereto. I had this copy made in case the Gestapo should find the original and take it from me. Unfortunately I have since lost the original of this letter. However, my present husband has seen the original of this letter and his affidavit to this effect is attached hereto. Both my borthers in law have also seen the original of this letter, and their names and addresses are given below.

Upon the request of Mr. HESS the Nazi party paid me a monthly pension of one thousand marks which was the approximate salary my husband earned before his death. Not wanting to receive anything from the Nazis and feeling that the Party, which at that time was still quite separate from the Reich Government, could offer me and my children no real security, I endeavored to obtain an agreement from the Reich Government itself to pay me this pension. Only after almost a year of negotiations, during which I made six or seven trips to Berlin, was I finally able to obtain from the Department of the Interior of the Reich an agreement to pay me this pension. A photostat copy of this agreement is attached hereto. The original I have in my possession, and I do not wish to part with it as I feel that this, being an agreement of the Reich and not the Nazi Party, is still an obligation of the German State for the education of my children.

In fairness I should state that Captain WIEDEMANN, formerly an influential member of the NSDAP, was at all times genuinely sympathetic with my case; and I feel that I owe more to him for having protected me from the Gestapo than to any other individual.

My former husband, WILLI SCHMID never had any political affiliations of any kind, and never engaged in any political activities. He was, however, strongly anti-Nazi in his sympathies, and this was known to the General Manager of the "Muenchener Neueste Nachrichten", SS Gruppenfuehrer HAUSLEITER, who since 1933 controlled the policies of my husband's newspaper. HAUSLEITER, if available, should be questioned concerning his knowledge of the circumstances resulting in the murder of my husband. On the same day that my husband was murdered, a prominent SA leader in Munich named WILLI SCHMIDT was also shot. It was thought by many that my husband's murder resulted from this similarity in names, but this fact was never established or admitted.

My two brothers in law referred to above are very familiar with all the circumstances following the murder of my husband. Their last known addresses were:

WALTER SCHMID, Riesserkopt Strasse 17, Garmisch-Partenkirchen, Bavaria.
FRANZ RINGLER, Dreitorspitze Strasse 24, Garmisch-Partenkirchen, Bavaria.

TRANSLATION OF DOCUMENT L 135
Continued

In 1937 I left Germany with my children and went to Austria. I married my present husband, HERMAN WILLIAM HOERLIN in July 1938 and we came to the United States shortly thereafter. We became citizens of the United States in 1944. Our present address is 35 Vermont Avenue, Binghamton, New York.

Though I have referred to the German Secret Police throughout this deposition as the "Gestapo" since that is the name they were later always called, however, at the time of my husband's murder they were actually called the "Politische Polizei".

July 7, 1945.

/s/ KATE EVA HOERLIN

STATE OF NEW YORK)
) SS.:
COUNTY OF BROOME)

Personally before me on this 7th day of July, 1945, appeared KATE EVA HOERLIN who, for the past seven years, I have personally known to be the said KATE EVA HOERLIN, and, who, upon oath, swore that the above statements were in all respects true and correct.

/s/ CHARLES W. TURNER
Notary Public

STATE OF NEW YORK :
SS:
COUNTY OF BROOME :

I, HERMAN WILLIAM HOERLIN, certify upon oath that I have seen the original of the letter signed by RUDOLPH HESS, an attested copy of which is attached to the deposition of my wife, KATE EVA HOERLIN, dated July 7, 1945, and that the original of said letter bore the signature of RUDOLPH HESS, and that in all respects the said attested copy is identical to the original of said letter.

/s/ HERMAN WILLIAM HOERLIN

Sworn to before me this 7th
day of July 1945.

/s/ CHARLES W. TURNER
Notary Public

CERTIFICATE OF TRANSLATION
OF DOCUMENT L 135

21 November 1945

I, MARGOT BOATWRIGHT X-046273, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a ture and correct translation of Document No. L 135.

MARGOT BOATWRIGHT
X-046273

H1106 - 0052

H1106 - 0053

TRANSLATION OF DOCUMENT 784-PS
OFFICE OF US CHIEF OF COUNSEL

Copy

Berlin, June 5, 1935

The Reichminister of Justice
Z.T.A. 1696.34

I. A message to the deputy of the Fuehrer
Reichminister HESS.

Confidential

Personal

Regarding: penal proceedings against the merchant and SA leader (Lt.Colonel) (Obersturmbannfuehrer) JAHNICHEN and 22 companions on account of inflicting bodily injury on duty (protective custody camp Hohenstein in Saxony).

Dear colleague!

With inference to the bill of indictment sent by me under my communication of March 20, 1935 regarding the penal proceedings mentioned above, I beg to inform you of the following:

After a main trial, lasting about six weeks, the assistant prosecutor Staatsanwalt Dr. Walther, proposed the following sentences on May 3, 1935:

Against Jaehnichen (Camp Commandant)	5 years	penetentiary
" Zikera	1 year, 6 months	prison
" Heinz Meier	3 years	"
" Herbert Meier	3 years, 2 months	"
" Tuerke	3 years	"
" Vollmar	2 years, 3 months	penetentiary
" Leuschner	2 years, 3 months	prison
" Romkopf	2 years, 6 months	"
" Karche	1 year, 8 months	"
" Hausch	1 year, 4 months	"
" Lehmann	3 years, 3 months	"
"Kuehnel	1 year,	"
" Stachovski	1 year	"
" Ude	1 year	"
" Friedrich	1 year, 3 months	"
" Schneling (Police)	1 year	"
" Konitz	1 year	"
" Uhlmann	1 year	"
" Sturzkober	10 months	"
" Schupp	1 year, 6 months	"
" Hensel	2 years, 3 months	"
" Heinicker	1 year, 6 months	"
" Putzler	3 years, 9 months	penetentiary
" Liebscher	7 months	prison
" Heeger	Suspension on account of amnesty.	

On May 15, 1935 the Criminal division number 12 of the Supreme Court in Dresden pronounced the verdict, by which on account of offences against Art. 340 of the Penal Code the following were sentenced:

Jaehnichen	to 6 years	prison
Zikera	" 1 year 6 months	"
Heinz Meier	" 3 years	"
Herbert Meier	" 3 years	"
Tuerke	" 3 years	"

H1106 - 0054

TRANSLATION OF DOCUMENT 794-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(Cont.)

Volkmar	to	2 years	3 months	prison
Leuschner	"	2 years	6 months	"
Romkopf	"	2 years	6 months	"
Karche	"	1 year	8 months	"
Hausch	"	1 year	4 months	"
Lehmann	"	3 years		"
Kuehnel	"	1 year		"
Stachowski	"	1 year	6 months	"
Ude	"	1 year		"
Friedrich	"	1 year	3 months	"
Schmeling	"	1 year		"
Konitz	"	1 year		"
Uhlmann	"	1 year		"
Sturzkober	"		10 months	"
Schupp	"	1 year	6 months	"
Hensel	"	2 year		
Heinicker	"	1 year	6 months	"
Putzler	"	3 year	9 months	"

Against Liebscher and Heger suspension was an thorized on the basis of the low governing amnesty.)

After the proposal of the sentence, however, still before the announcement of the verdict, the chairman of the Criminal division number 12 received the following letter from the Reich governor (Reichsstatthalter) of saxony:

"Official Seal

The Reich Governor (Reichsstatthalter)
of Saxony

II 84/35

Dresden-A.1, May 8,1935
Mailbox 78
Telephone 24 371.

To
The president of the Supreme Court
(Landgerichtsdirektor)
Dr. ROTH

Dresden - A
Pillnitzer Street 41

The President of the Supreme Court:

Sir:

As I was informed, it is proposed to impose a punishment of 3 ½ years f penal servitude upon the accused Standartenfuehrer Jachnichen. ithout wanting to interfere in the proceedings or intending to influence you as Judge in any way before the verdict is announced , I hould nevertheless like to once more call your attention to the fact hat the circumstances, as they had been brought about by the revolution of 1933 and as they, without doubt were still taking effect up o the beginning of 1934, cannot be overlooked, when pronouncing sentence.

further point appears to me to be worth taking into consideration, amely, the fact that one cannot accuse Jachnichen of having a low haracter and that, above all, in Hohenstein the scum of humanity had o be attended to. In consideration of this fact I should like to eave it to you to consider whether the lapses call for such a severe egree of punishment or rather whether a pardon could not be consi- ered.

s Gauleiter of NSDAP I regard it as my duty to call attention again o the unusual circumstances.

Heil Hitler
signed: Martin Mutschmann."

H1106-0055

TRANSLATION OF DOCUMENT 784-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(Cont.)

Moreover the information has come to hand that the two magistrates (Schoeffen), who functioned as judges in the principal trial, namely, Regierungsamtmann Helbig and the merchant Pesler, had been expelled from the NSDAP after the announcement of the verdict I do not know by whom this expulsion was ordered.

Finally it has been put to the assistant prosecutor, Staatsanwalt Dr. Walther, who is a storm trooper, after the pronouncing of the verdict on his Obersturmbannfuehrer, that he should resign from the SA.

The fact that these measures were taken at the same time as the verdict referred to above was pronounced, gives rise to the assumption that here also there is something below the surface. However, this would represent an extremely serious and highly undesirable conclusion to the legal and fully binding penal proceedings. If the letter from the Reich governor reproduced here gave the impression that his judicial decisions should be influenced from higher up, then this would certainly influence to an even greater extent any later measures instituted against the 2 magistrates. That kind of procedure against lay judges after the verdict had been pronounced would naturally unnecessarily arouse the feeling that, when they are functioning as judges, they are responsible to a certain office for their work. Hereby the judicial unpartiality, which is the foundation of every orderly administration of criminal law becomes null and void. Moreover, the lay judge, who upon entering service, must swear an oath, that he will discharge his duties conscientiously and to the best of his ability, would find himself forced to battle with his conscience. No less serious would be the consequences of such measures for the assistant public prosecutor. This official would also have to battle with his conscience, while carrying out his duties. Then by the orderly official work of the authorities for the administration of criminallaw would be so seriously endangered that I would find myself obliged to consider the question whether in the face of such a state of affairs public prosecutors and judges could still be functionaries of the party or members of the SA at all.

Hence it appears to be necessary,

1. in the case in question to remove the confusion, resulting from the measures indicated above, by suitable countermeasures
2. to take steps that such occurrences altogether incompatible with the administration of criminal law and the public security guaranteed by the state are avoided.

I would respectfully request your comments and information with regard to any action in this direction. Considering the importance of this case, I would be obliged if you would reply as early as possible.

Heil Hitler!

Signed: Dr. Guertner.

2. A letter to the Chief of Staff of the SA of the NSDAP with a copy of the following accusation enclosed.

In regard to:
- to enter on page 1 -
Enclosed 1 loose leaf

Confidential
Personal

Chief of Staff: Sir:

In the penal case, indicated above, which involved serious maltreatment of prisoners in the protective custody camp at Hohenstein in Saxony, the main trial was held in Dresden from 20 th

H1106 - 0056

TRANSLATION OF DOCUMENT 784-PS
OFFICE OF U.S. CHIEF OF COUNSEL

(Cont.)

March to the middle of May 1935 before the 12 Criminal Division of the Supreme Court. In regard to the details of the incedents which gave rise to the proceedings, may I refer to the enclosed copy of the Bill of indictment of October 1934 and particularly, may I call attention to page 21 of the results of the inquiry.

On May 3, 1935 the assistant prosecutor Staatsanwalt Dr. Walther imposed the following punishment:

- so far insert page 1 & 2 ( ) -

Here has been received that it has been put to the assistant prosecutor Staatsanwalt Dr. Walther, who is a storm trooper, after the pronouncing of the verdict on his Obersturmbannfuehrer, that he should resign from the SA. The fact that this measure was undertaken at the same time as the verdict referred to above was pronounced, gives rise to the assumption that here also then is something below the surface. However this would represent an extremely serious and highly undesirable conclusion to the legal & fully binding penal proceedings. The officials would have to battle with their conscience when carrying out their duties, if such procedure was in force. In this way the orderly official work of the Authorities for the administration of Criminal Law would be so seriously endangered, that I would find myself obliged to consider the question whether in the face of such a state of affairs Staatsanwaelte could still be members of the SA at all.

Hence it appears to be necessary:

1. In the case in question to remove the confussion resultive from the measures indicated above, by suitable counter [illegible] measures
2. To take steps that such occurrences altogether incompatible with the administration of criminal law and the public security guaranteed by the State, are avoided.

I would respectfully request your comments and information with regard to my action in this direction. Considering the importance of this case, I would be obliged it you would reply as early as possible.

Heil Hitler!

Signed: Dr. Guertner.

3. to the Minister, confidential
4. 2 weeks.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 784 - PS

10 November 1945

I, Eve GLAZIER, P/O, W.R.N.S., 37371, hereby certify that I am thoroughly conversant with the English and German language; and that the above is a true and correct translation of Document No 784-PS.

Eve GLAZIER
P/O, W.R.N.S.,
37371

H1106 – 0057

TRANSLATION OF DOCUMENT 786-PS
OFFICE OF U S CHIEF OF COUNSEL

Note

1). Just now, at 1030, State Secretary Dr. Meissner telephoned and asked me to deliver the following message to the Minister, whom he had been unable to contact:

Concerning the pardon of those sentenced in connection with the maltreatment in the Hohnstein Concentration Camp, Herr Bouhler informed him yesterday that he had reported to the Führer on the result of the fresh inquiries, which he and Reich Governor Mutschmann had instituted. The Führer has now decided to remit all other sentences remaining. State Secretary Meissner wished to inform the Ministry of Justice of this, so that it might be made the subject of corresponding decrees. He, State Secretary Meissner, mentioned that the Minister of Justice had likewise been commissioned by the Führer to carry out special inquiries, to determine in which cases the motives for maltreatment had been sadistic and therefore a pardon would be out of place. The Minister of Justice would have to be given the opportunity of reporting to the Führer his ideas, based on his still inconclusive investigations. Herr Bouhler also stated that the Minister of Justice was still at liberty to do so. The Führer merely desired that his inquiries be hastened as much as possible so that the statement could be made within the next few weeks and that, in any case, he submit a decree granting full pardon.

State Secretary Meissner, when finally summing up, therefore requested that, should the Minister not approve of a total pardon, a double decree be submitted.

2). The Minister
for his favourable consideration.

Berlin, 29th November 1935

(Signature illegible)

- - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT 786-PS

7 November 1945

I, ESME SHERRIFF, 2/O, W.R.N.S., 36482, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 786-PS.

ESME SHERRIFF
2/O, W.R.N.S.
36482

H1106 - 0058

TRANSLATION OF DOCUMENT 787-PS
OFFICE OF US CHIEF OF COUNSEL

The Reich Ministry of Justice Berlin, 18 June, 1935
Z.F. g 10 390/35

1) Communication to the Fuehrer and Reich Chancellor with addition of a certified copy of Bl. 9-10 d.A., thus far

Subject: Motion of the Reich deputy in Saxony concerning the nolle-prossing of the criminal procedure against Oberregierungsrat Vogel in Dresden on account of bodily injury while in office.

- 16 St.A 107/34 (StA.Dresden) -

Inclosure: 1 loose sheet.

The prosecuting authority in Dresden has indicted Oberregierungsrat Erich Vogel in Dresden (case designation 16 STA. 4 107/34) on account of bodily injury while in office. The following subject matter is the basis of the process:

Vogel belongs to the Gestapo office of the province of Saxony since its foundation and is chief of Main section II, which formerly bore the title ZUB (Zentralstelle für Umsturzbekämpfung) (Central office for combatting overthrow). In the process of combatting efforts inimical to the State Vogel carried out several so called borderland actions in the year 1933 in which a large number of politically unreliable persons and persons who had become political prisoners in the border territories were taken into protective custody (Schutzhaft) and brought to the Hohnstein protective custody camp. In the camp serious mistreatment of the prisoners has been going on at least since summer of 1933. The prisoners were not only, as in protective custody camp Brodow near Stettin, beaten into a state of unconsciousness for no reason with whips and other tools but were also tortured in other ways, as for instance with a drip-apparatus especially constructed for the purpose, under which the prisoners had to stand so long that they came away with serious purulent wounds of the scalp. The guilty SA-leaders and SA-men were sentenced to punishments of 6 years to 9 months of imprisonment by the main criminal court of the provincial court in Dresden of 15 May 1935 (16 StA.3431.34). Vogel, whose duties frequently brought him to the camp, took part in this mistreatment, insofar as it happened in the reception room of the camp during completion of the reception formalities, and in the supply room, during issuing of the blankets. In this respect it should be pointed out th t Vogel was generally known to the personnel of the camp - exactly bec use of his function as head of the ZUB - and his conduct became at least partly a standard for the above-named conduct of the SA-leaders and men.

One of the border actions took place on 3 August 1933. Vogel had ordered the arrest of the persons who were brought to the camp at that time, and therefore also had responsibilities relative to their proper treatment. On account of the large number of those who were brought in, a pay office of the administration building in the lower castle yard was adapted as a makeshift reception room to help dispose of the formalities. The reception was being taken care of of by Truppführer (T/Sgt) Felix Sikora. He hit every incomming person without cause violently across the face with a steel ruler, so that it resounded loudly. In addition the prisoners, when brought in, were spoken roughly and at the same time beaten, partly even literally pushed into the room. Vogel stayed in the reception room

H1106 - 0059

a long time and watched thes proceedings without doing anything about them. In his presence, for instance, the SA-man Hutze dealt such blows to one man, without provocation, that he turned around on himself. As already stated, Vogel not only took no steps agains this treatment of the prisoners, but he even made jokes about it and stated that it amused him the way things were popping here.

In the supply room Vogel himself took a hand in the beating amid the general severe mistreatment. The SA men there employed whips and other articles and beat the prisoners in such a manner that serious injuries were produced, the prisoners partly became unconscious and had to lie in the dispensary a long time. Vogel was often present in the supply room during the mistreatment. At least in the following cases he personally laid violent hands upon prisoners.

a) On the occasion of the borderland action of 3 August 1933 Vogel was in the chamber in the rear portion of the area, where the prisoners as a rule do not enter. At first Vogel observed from there the severe mistreatment which was administered to the prisoners at the counter where the blankets were issued. Then he had a prisoner brought to the rear chamber and swung several blows of his fist at his head.

b) On 12 November 1933 Vogel arrived at the camp together with Regierungsrat Dr.Wolf from Leipzig and again entered the chamber. On this day several prisoners were brought in. Vogel pointed out one of the prisoners to the SA-men present in the room, among whom were Sturmmann Walter Rohmkopf, Truppführer Herbert Meier, and Truppführer Georg Lehmann,and declared, in effect, that this man "should get his ass particularly full". He also stated that the prisoner had offended or threatened one of his people. Upon this invitation the prisoner was laid across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles. Along with this Vogel himself took part in the beating for a time, and after this mistreatment slapped him again, so that the prisone appeared green and blue in the face. The prisoner is the tinsmith Hans Kühitz, who bore the nickname Johnny. Upon his departure Vogel gave the head of the supply room, Truppenführer Meier from 5 to 6 reichsmarks with the stated reason that the SA men "had sweated so". The money was then distributed by Meier to those SA-comrades who had taken part in the mistreatment.

Under the date of 20 May 1935 the Reich Deputy in Saxony forwarded to me with a recommendation Vogel's petition for nolle prossing dated 10 May, 1935, which was addressed to him, and a copy of whic is attached.

I do not wish to approve this petition. The mistreatments which took place in the camp of Hohnstein are more numerous and in their fashion more serious than the cases of mistreatment in the well-known protective custody camp Bredow, near Stettin. As in the case of Bredow an authoritative official of the State Secret Police, in likemanner as SS-Sturmführer Dr.Hoffmann, shot on 30 June, 1934, knowing of the mistreatment and for the most part instigating it himself, Oberregierungsrat Vogel, as an authoritative member of the supervisory agency of the camp for the State Secret Police of Saxony, knew of the mistreatment and to an extent even took part in it. By his actions he supported the convicted SA-leaders and men in their deeds and thereby bears the largest part of responsibility for the criminal acts committed there. It would not be righ

H1106 - 0060

to let this participant, who in view of his training, his position of leadership, and his office, must have recognized the objectionability of the proceedings in the camp with particular clarity, go unpunished while the SA-leaders and men received considerable sentences-even if not very severe in comparison with their deeds. A nolle possing of the case against Vogel would represent unearned granting of favors to a more highly placed participant, and therefore one endowed with more responsibility, and would be considered as such by all persons involved. It would stand instarkest insoluble contradiction to the treatment of the Stettin cases.

signed: Dr. Gürtner

2) To the Minister, respectfully

3) 1 month.

CERTIFICATE OF TRANSLATION
OF DOCUMENT 787-PS

I WOLFGANG E. THORMANN M/SGT., 33779426, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated exerpt from Document 787-PS.

WOLFGANG E. THORMANN
M/Sgt.
33779426.

H1106 -0061

TRANSLATION OF DOCUMENT 788-PS
OFFICE OF U.S. CHIEF OF COUNSEL

The Secretary of the State
and Chief of the Office
of the President

Berlin W8, 9 Sept 1935
Voss-Strasse 1

RP 3152/35

Your Nr. Z.F.g. 10 398/35 of 18 June 1935

Subject: Nolle-prosse of Criminal Proceedings against Oberregierungsrat V o g e l for committing bodily injury while in Office.

With reference to my letter of 25 June 1935 - RP 3152/35- I am able to inform you that the Fuehrer and Reichs-Chancellor has decided for annulment of the criminal proceedings against Oberregierungsrat V o g e l for his having committed bodily injury.

On the Fuehrer's behalf I request presentation of the draft of the decree for annulment.-

/s/ Dr. M e i s s n e r

To the Reich Minister of Justice, Berlin.

H1106 - 0062

TRANSLATION OF DOCUMENT 788-PS (Cont'd)

The Secretary of the State
and Chief of the Office
of the President.

Berlin W8, 25 June 1935
Voss-Strasse 1

RP 3/52/35

Your Nr, Z.F. g 10 398/35 of 18 June 1935

Subject: Nolle-Prosse of Criminal Proceedings against Oberregierungsrat V o g e l for committing bodily injury while in Office.

Before making a decision, the Fuehrer and Reich-Chancellor wants to discuss personally with the Reich-Governor of Saxony the complaints brought forward against Oberregierungsrat V o g e l and the events connected with them. Therefore I shall withhold further information and request that until then further action on this procedure be also withheld.-

/s/ Dr. M e i s s n e r.

To the
Reich Minister of Justice, Berlin W 8.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 788-PS

9 November 1945.

I, GOETZ MAYER, T/5, 33812169, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated exerpt from Document Nr. 788-PS.

Goetz Mayer
T/5 33812169.

TRANSLATION OF DOCUMENT 1388-PS
OFFICE OF U S CHIEF OF COUNSEL

1933 REICHSGESETZBLATT, PART I, PAGE 479

Law confiscating Property subversive to People and State
of 14 July 1933

Gesetz über die Einziehung volks- und staatsfeindlichen Vermögens
vom 14. Juli 1933

The Reich Government has enacted the following law which is hereby promulgated:

The provisions of the Law confiscating Communist Property of 26 May 1933 (RGBl I, 293) are applicable to assets and interests of the Social Democratic Party of Germany and their welfare and affiliated organizations and also to assets and interests which are used or destined to promote Marxist or other activities found by the Reich Minister of the Interior to be subversive to people and state.

Berlin, 14 July 1933

The Reich Chancellor
Adolf Hitler
The Reich Minister of the Interior
Frick

- - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 1388-PS

24 October 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 1388-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 - 0063

TRANSLATION OF DOCUMENT 1390-PS

1933 REICHSGESETZBLATT, PART 1, PAGE 83

Decree of the Reich President for the Protection of the People and State of 28 February 1933

Verordnung des Reichspräsidenten zum Schutz von Volk und Staat vom 28. Februar 1933

In virture of Section 48 (2) of the German constitution, the following is decreed as a defensive measure against Communist acts of violence, endangering the state;

Article 1

Sections 114, 115, 117, 118, 123, 124, and 153 of the Constitution of the German Reich are suspended until further notice. Thus, restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed.

Article 2

If in a state the measures necessary for the restoration of public security and order are not taken, the Reich Government may temporarily take over the powers of the highest state authority.

Article 3

According to orders decreed on the basis of Article 2, by the Reich Government, the authorities of states and provinces (Gemeindeverbände), if concerned, have to abide thereby.

Article 4

Whoever provokes, or appeals for or incites to the disobedience of the orders given out by the supreme state authorities or the authorities subject to them for the execution of this decree, or the orders given by the Reich Government according to Article 2, is punishable - insofar as the deed is not covered by other decrees with more severe punishments - with imprisonment of not less than one month, or with a fine from 150 up to 15,000 Reichsmarks.

Whoever endangers human life by violating Article 1, is to be punished by sentence to a penitentiary, under mitigating circumstances with imprisonment of not less than six months and, when violation causes the death of a person, with death, under mitigating circumstances with a penitentiary sentence of not less than two years. In addition the sentence may include confiscation of property.

Whoever provokes or incites to an act contrary to public welfare is to be punished with a penitentiary sentence, under mitigating circumstances, with imprisonment of not less than three months.

Article 5

The crimes which under the Criminal Code are punishable with penitentiary for life are to be punished with death: i.e., in Sections 81 (high treason), 229 (poisoning), 306 (arson), 311 (properties), 324 (general poisoning).

Insofar as a more severe punishment has not been previously provided for, the following are punishable with death or with life imprisonment or with imprisonment not to exceed 15 years:

H1106 - 0064

1. Anyone who undertakes to kill the Reich President or a member or a commissioner of the Reich Government or of a state government, or provokes to such a killing, or agrees to commit it, or accepts such an offer, or conspires with another for such a murder;

2. Anyone who under Section 115(2) of the Criminal Code (serious rioting) or of Section 125(2) of the Criminal Code (serious disturbance of the peace) commits the act with arms or cooperates consciously and intentionally with an armed person;

3. Anyone who commits a kidnapping under Section 239 of the Criminal Code with the intention of making use of the kidnapped person as a hostage in the political struggle.

Article 6

This decree enters in force on the day of its promulgation.

Berlin, 28 February 1933.

The Reich President
von Hindenburg
The Reich Chancellor
Adolf Hitler
The Reich Minister of the Interior
Frick
The Reich Minister of Justice
Dr. Guertner

- - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 1390-PS

3 October 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 1390-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 -0065

1934 REICHSGESETZBLATT, PART I, PAGE 1269

Law on treacherous Acts against State and Party, and for The Protection of Party Uniforms of 20 December 1934

Gesetz gegen heimtückische Angriffe auf Staat und Partei und zum Schutz der Parteiuniformen vom 20. Dezember 1934

The Government of the Reich has decided to enact the following law, which is published herewith:

Chapter 1

Article 1

1) Unless heavier punishment is sanctioned under the authority of a law previously established, imprisonment not to exceed two years shall be imposed upon anybody deliberately making false or grevious statements, fit to injure the welfare or the prestige of the government of the Reich, the National Socialist Workers Party or its agencies. If such statements are made or circulated in public, imprisonment for not less than 3 months shall be imposed.

2) Anyone committing the offense insolently and carelessly shall be punished with imprisonment not to exceed 3 months or with a fine.

3) If the offense is directed solely against the prestige of the NSDAP or its affiliated agencies, the offender shall be prosecuted only with the consent of the Fuehrer's deputy or of agencies authorized by him to initiate the prosecution.

Article 2

1) Anyone who makes or circulates statements proving a malicious, baiting or low-minded attitude towards leading personalities of the State or the NSDAP, or towards orders issued by them or towards institutions created by them - fit to undermine the confidence of the people in its political leadership - shall be punished with imprisonment.

2) Statements of this kind which are not made in public shall warrant the same punishment - provided the offender figures on his statements being eventually circulated in public.

3) The offender shall be prosecuted only by the order of the Reich Minister for Justice; in case the offense was committed against a leading personality of the NSDAP, the Reich Minister for Justice shall issue the order in agreement with the Fuehrer's Deputy.

4) The Reich Minister for Justice in agreement with the Fuehrer's Deputy shall determine who is to be regarded as a leading personality as specified in (1).

Article 3

1) Anyone who commits or threatens to commit a punishable act, or who is wearing the uniform or an insignia of the NSDAP, or carries it on his person without being a member of the NSDAP or its affiliated agencies and therefore being entitled to do so, will be punished with forced labor or in minor instances with imprisonment not to exceed 6 months.

2) Anyone who commits the offense with the intention to stir up unrest or to sow fear or terror in the population, or to create difficulties for the German Reich with a foreign power, shall be punished with forced labor not to exceed 3 years or with forced labor for life or in particularly grave cases with death.

3) According to this law, a German national may be punished also if he has committed the offense in a foreign country.

H1106 - 0066

Article 4

1) Anyone who for the sake of a material advantage or for political ends poses as a member of the NSDAP or its agencies, shall be punished with imprisonment not to exceed 1 year plus a fine or either one.

2) The offender shall be prosecuted only in agreement with the Fuehrer or with those authorized by him.

Article 5

1) Anyone who manufactures, holds in stock, sells or otherwise brings on the market Party uniforms, parts of Party uniforms, textiles, flags or insignias of the NSDAP, its affiliated agencies or organizations, without the permission of the treasurer of the Reich, shall be punished with imprisonment not to exceed 2 years.

2) Anyone who has in his possession Party uniforms and insignias without being a member of the NSDAP or its affiliated organizations, or without being entitled to possess them for any other reason, shall be punished with imprisonment not to exceed 1 year. Anyone who wears any of the above mentioned items, shall be punished with imprisonment not to exceed 1 month.

3) To be put on a par with Party uniforms, parts of Party uniforms and insignia are those uniforms, parts of uniforms and insignias which can easily be confused with them.

4) The uniforms, parts of uniforms, textiles, flags or insignias in question shall be confiscated. In case no particular person can be prosecuted or condemned, the confiscation shall take place all the same - provided conditions justify it.

5) The confiscated items shall be turned over to the Reich Treasurer of the NSDAP or to those agencies appointed by him, for future use.

6) The prosecution of the offense and the confiscation (#4, section 2) can only be undertaken in agreement with the Fuehrer's Deputy or agencies authorized by him to handle this matter.

Article 6

According to the rules set forth in this law, anyone who has obtained membership of the Party through false pretenses, is not a member of the NSDAP, its affiliated agencies or organizations.

Article 7

The Fuehrer's Deputy, in agreement with the Reich Minister for Justice and of the Interior, shall issue the necessary regulations for the execution and completion of Articles 1 to 6.

Chapter 2

Article 8

1) The regulations set forth in this law, with the exception of Article 5 (1) apply accordingly to the "Reichsluftschutzbund", the "Deutschen Lufrportverband", in agreement with the Reich Minister for Air, and by the Minister of the Interior for the Voluntary Labor Service and the "Technische Nothilfe".

Chapter 3

Article 9

Article 5 (1) will become valid on 1 February 1935. The other rules set forth in this law will become valid one day after their publication; the law on treacherous acts against the Government of the National Revolution from 21 March 1933 (RGBl I, page 135) as well as article 4 of the law on the "Reichsluftfahrtverwaltung" from 15 December 1933 (RGBl I, page 1077) are obsolete.

H1106 - 0067

Berlin, 20 December 1934

The Fuehrer and Reich Chancellor
Adolf Hitler
The Reich Minister for Justice
Dr Guertner
The Fuehrer's Deputy and Minister without portfolio
R. Hess
The Minister of the Interior
Frick
also for the Reich Minister for Air

- - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 1393-PS

9 October 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 1393-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 - 0068

H1106 - 0069

TRANSLATION OF EXTRACTS OF DOCUMENT 1430-PS
OFFICE OF U. S. CHIEF OF COUNSEL

This is an excerpt of Volume 222
issued by the Reichsführer of the
Chief of the Reichs Security-Office (RSHA)

SECRET

SEIZURE OF LEADING MEN OF THE SYSTEM ERA. (*Nazi expression for the 14 years of the Weimar Republic)

June 1939

CONTENTS

I.	Index and Statistics	Page 1
II.	Synopsis of Various groups	Page 3
III.	Statistics of Various groups	Page 8
IV.	List of all the persons	Page 17

INDEX AND STATISTICS OF ALL PERSONS SEIZED

In all the following were seized:	553 Persons
Divided thus:	
Group 1. Marxists - Communists	192 Persons
Group 2. Liberalists - Pacifists	82 Persons
Group 3. Confessional Parties	76 Persons
Group 4. Right Opposition (Rechtsopositionen)	73 Persons
Group 5. Prominent Austrians of the *System Era	48 Persons
Group 6. Scientists	17 Persons
Group 7. Artists	18 Persons
Group 8. Writers - Journalists	47 Persons

STATISTICS

Of all the people seized the following are:

	Jews	58 - (10%)
	Free Masons	45 - (9%)
	Temporarily, or at the present time still in protective custody, Prison or Penitentiary	102 - (19%)
I.	In the Country there Are:	349 - (63%)
	1). Remaining in their old Professions or returned to them. (Mainly State or Official positions)	61 - (11%)
	2). People receiving pensions	109 - (20%)
II.	In Living Abroad	204 - (37%)
	1). Politically prominent people working on Emigration	138 - (25%)

H1106 - 0070

2). Distribution in the Various Countries:

France	61
Switzerland	26
England	19
The States	17

- - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF EXTRACTS OF DOCUMENT
NO. 1430-PS

16 November 1945

I, EVELYN GLAZIER, P/O, W.R.N.S., 37371, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Extracts of Document 1430-PS.

EVELYN GLAZIER
P/O, W.R.N.S.
37371

TRANSLATION OF DOCUMENT 1652-PS
OFFICE OF U S CHIEF OF COUNSEL

1933 REICHSGESETZBLATT, PART 1, PAGE 135

Decree of the Reichs President for Protection against treacherous Attacks on the Government of the Nationalist Movement
21 March 1933

Verordnung des Reichspräsidenten zur Abwehr heimtückischer Angriffe gegen die Regierung der nationalen Erhebung
21 März 1933

On the basis of Article 48, Par. 2 of the constitution the following is decreed:

Par. 1

1) Any person possessing a uniform of an organization supporting the government of the nationalist movement without being entitled thereto through membership in the organization or otherwise, will be punished with imprisonment up to two years.

2) Any person wearing the uniform or an insignia representing membership of an organization designated in Par. 1, without being a member of the organization, will be punished with imprisonment of at least one month.

Par. 2

1) Whoever commits a punishable act against persons or objects or threatens the same and while so doing wears or carries with him the uniform or insignia designating membership in an organization of the kind listed in Section 1(1) without being a member of the organization, will be punished with a penitentiary sentence; in case of mitigating circumstances, with imprisonment of not less than 6 months.

2) If the offence was committed with the intention to incite a revolt or to create fear or panic among the populace or to cause difficulties for the German Reich in its foreign affairs, the punishment is a penitentiary sentence of from 3 years to life. In especially severe cases the death penalty may be exacted.

3) According to these regulations a German can also be prosecuted if he has committed the offence in a foreign country.

Par. 3

1) Whoever purposely makes or circulates a statement of a factual nature which is untrue or grossly exaggerated or which is apt to seriously harm the welfare of the Reich or of a state or the reputation of the national government or of a state government or of the parties or organizations supporting these governments, is to be punished, insofar as no more severe punishment is decreed in other regulations, with imprisonment up to two years and, if he makes or spreads the statement publicly, with imprisonment of not less than three months.

2) If through this deed, heavy damage for the Reich or a state resulted, penitentiary punishment can be exacted.

3) Whoever commits an act through negligence, will be punished with imprisonment up to 3 months, or by a fine.

Par. 4

Whoever has acquired membership in an organization surreptitiously is counted as a non-member in the application of this decree.

H1106 - 0071

Par. 5

This decree becomes effective on the day following its publication.

Berlin, 21 March 1933

Reichs President
von HINDENBURG
Reichs Chancellor
Adolf HITLER
Reichs Minister of the Interior
FRICK
For the Reichs Minister for Justice
The Deputy of the Reichs Chancellor
von PAPEN

- - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 1652-PS

26 September 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 1652-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 - 0072

H1106 - 0073

TRANSLATION OF DOCUMENT NO. 1669-PS
OFFICE OF U S CHIEF OF COUNSEL

NATIONAL SOCIALIST
GERMAN WORKERS PARTY

Deputy of
the Führer

H/J

Munich, Briennerstrasse 45
Tel: 54901 and 58344

Munich, 28 August 1933.

Mr.
Dr. Albricht Hanshofer

B E R L I N

Society of Geography, Wilhelmstr.

My dear Doctor:

Many thanks for both your letters of the 23 and 24 of this month. I made all necessary arrangements concerning the Standartenführers, immediately.

I would like very much to speak to Haselblatt before his convention starts. Probably I will be at Berlin around September 7. I don't know yet if I shall be able to attend the Convention myself.

Concerning the American, would you please tell him, that in one case, it is no longer the question of a „party" in the sense of the „custom" practised since Washington's time, that we are striving for, but this party is a section of the State itself. It is of utmost interest to me to know, whether any American official representatives ever attended meetings of the fascist party.

I reported the statements of the Polish Chief of Staff.

With hearty greetings
your

(Signature) Rudolf Hess.

Registered!

- - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 1669-PS

- - - - - - - - - - -

5 November 1945.

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 1669-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 - 0074

TRANSLATION OF EXCERPT FROM DOCUMENT 1639-PS
OFFICE OF US CHIEF OF COUNSEL

Berlin, August 1933.

EAST PRUSSIAN

Dear Mr. Hess.

Today I have only two reports to pass on to you, having received them from a generally well informed source.

Primarily: Assertion of the Polish Chief of staff: Once the damned civilians thwarted our East Prussian aim with their scruples & hesitation. That will not happen again. Precaution has been taken that these people are sent to a Concentration Camp if they should still dare to obstruct us."

Secondly. A very delicat matter. It is known to yourself, that at some place in your organization there are people, unable to subordinate their personal initiative for the benefit of the common good. I am informed that a personage very highly esteemed abroad, but completely retired at home, H.....h B.....g has to fear for her individual safety. The source of this insecurity, I was told is S.A. standartleader Schoeneberg. I don't have to point out to you the repercussions, abroad, which any personal accident would provoke..... Could you take care of internal curbing.

With hearty Greetings

Always Your

CERTIFICATE OF TRANSLATION
OF DOCUMENT 1639-PS

I FRED NIEBERGALL, 2nd Lt.Inf., 01335567 hereby certify that I am thoroughly conversant with the English an German languages; and that the above is a true and correct translation of the indicated exerpt from Document 1639-PS.

FRED NIEBERGALL
2nd Lt.Inf.
01335567

H1106 - 0075

United Mexican States)
Mexico, Federal District) ss
Embassy of the United)
States of America)

Mexico City, D. F.)
) ss
Mexico)

RAYMOND H. GEIST, being first duly sworn, deposes and says:

I came to Berlin in December, 1929, as Consul and continued in that capacity, exercising my official functions until the end of 1939. In 1938 I was appointed First Secretary of the Embassy and continued in that office discharging at the same time my duties as consul. During the entire period of ten years my work was of such character that I frequently came into contact with many officials of the German Government. After the Nazis came to power in 1933, these contacts increased owing to the much more frequent occasions on which it was necessary to intervene with German officials in order to protect the rights of American citizens and their properties. During this period I not only had many official contacts but also friends and acquaintances, both in Berlin and elsewhere in Germany. My work permitted and occasionally required travel in Germany. It was my custom to make bicycle trips, as well as excursions by automobile to various points particularly in the environs of Berlin, often to the extent of fifty miles. Although I do not have the first-hand information with regard to developments under the National Socialists for all of Germany that I have regarding the neighborhood of Berlin, I saw enough during my excursions, and was told enough by friends and acquaintances to know that the activities hereafter described in and around Berlin were being substantially duplicated all over Germany.

There were indeed few military establishments in the neighborhood of Berlin in 1929 and until 1933 there were the Casernas at Potsdam and the military establishment at Doeberitz. After the Nazis came to power, military establishments of all sorts grew up with enormous rapidity. Before the end of 1933, during my frequent excursions, I discovered outside of Berlin on nearly every road leaving from the city new large military establishments, including training fields, airports, barracks, proving grounds, anti-aircraft stations and the like. For these establishments most of the ground was broken during the year 1933; there were probably fifty within the immediate vicinity of Berlin. Most of these establishments were being openly prepared, nevertheless they were under guard. It was apparent with respect to others that an attempt was made to preserve secrecy. I recall in particular that the large anti-aircraft station near my house in the Gruenwald was built under secrecy, likewise a munitions dump burrowed in the hills of Wildpark near Potsdam was also built under secrecy. Being disguised as a German and speaking the language, I was able on my bicycle trips to penetrate certain of these establishments where at various times I saw military exercises, including the use of tanks, in various maneuvers. I recall from my travels beyond Berlin and the information and reports which I had from friends and acquaintances that the same feverish preparations were in progress throughout the length and breadth of Germany, in fact, all establishments which could serve a military purpose were converted to military uses.

I also saw the preparations being made for building up the new army. I visited the camps of the compulsory labor service, the Arbeitsdienst, which was well under way by the end of 1933, with camps established all over Germany. Though this was ostensibly a

H1106 – 0076

labor service, it was essentially military in character, as is well known. I saw the men working on reclamation projects and was informed that they worked two hours in the morning and two hours in the afternoon, the balance of the time being spent in military tactics and in instruction in Nazi ideology. So that when conscription went into effect in 1935, through the medium of these camps, it was possible for the Germans to put up a trained army of at least 3,500,000 men, which formed the nucleus of the future army of aggression.

Particularly through the years 1933 and 1934 the hordes of storm troopers (S.A.) were much in evidence practicing military exercises. They were being converted into a military organization. I frequently encountered the storm troopers deployed in fields and in forests engaged in military technical exercises. This was all the part of a general plan to prepare Germany's manpower for war.

I witnessed, too, scores of times, the training of the Hitler Youth, which included boys from 14 to 17, who, dressed in their uniforms, were likewise generally in evidence wherever I chose to travel. I frequently saw them in the woods near Berlin, deployed in ravines, in fields, woods and hillsides staging mock attacks, employing the technique of actual maneuvers. Frequently they were under the direction of uniformed leaders and at times under officers of the Reichswehr. This type of training of the youth extended everywhere in Germany. Frequently my route of travel had to be changed in order not to find myself in the midst of some maneuvers which required the use of roads or paths along which I was riding. It was not considered wise to get too close to these operations, particularly if they were on an extensive scale.

The Deutsche Jungvolk (boys from the ages 6 to 14) was also the vehicle for military training. They were also in evidence throughout the country. I frequently met them marching. I saw them engaged in military exercises in the school yards during the school recesses, particularly throwing hand grenades usually under expert adult leadership. Often I have seen these children in large numbers engaged in what were obviously military maneuvers, and under the direction of adult uniformed officers.

I had occasion, at times, to witness the organizations which were created for the girls that were part of the Hitler Youth and were also incorporated in the so-called Arbeitsdienst, usually located somewhere near the camps for men. The resultant illegitimate children were a definite planned result of the program; they were part of the manpower and the army for the next generation. The shame and the grief of parents over this program fostered and urged by the Nazis although it existed, was seldom openly expressed on account of dangers to which the parents might expose themselves.

So far as the youth were concerned, the entire program was carried on with lavish propaganda and enough benefits to the participants to make it extremely popular. The Nazis provided the youth with special trains, special trucks, special bathing beaches, food and other privileges. At the same time, the semi-hysteria which was maintained about the whole National Socialist program made it impossible for parents or anyone else to speak against it even if they had wished to do so. The German people were well acquainted with the goings on in concentration camps and it was well known that the fate of anyone too actively opposed to any part of the Nazi program was liable to be one of great suffering. Indeed, before the Hitler regime was many months old almost every family in Germany had had first-hand accounts of the brutalities inflicted in the concentration camps from someone either in the relationship or in the circle of friends who had served a sentance there; consequently the fear of such camps was a very effective brake on any possible opposition.

H1106 - 0077

In addition to what I saw during these many years with my own eyes regarding the preparation and the building of a huge armed force, I received reliable information from trustworthy sources as to its scope and strength. One of my close friends in Berlin was one George Graffenstein, who lived at 34 Altenauerstrasse, just across the street from me. He was a German, formerly a member of Meile Printing Company of Chicago and a man strongly opposed to the Nazis. He had been an officer in the German army in the First World War; therefore he knew a large number of the officers of Reichswehr. Occasionally he gave in his house beer-evenings which a number of Reichswehr officers attended, including certain generals. To these parties I was occasionally invited. One of these generals was General Goettke, who was the head of the artillery on the General Staff and a very close friend of Graffenstein. In addition, Graffenstein's nephew was on the General Staff and was at the same time the liaison between the Reichswehr and the S.A. Late in 1934, George Graffenstein told me that from the information which he had received from his friends, the armament program was already so complete, so far advanced, so gigantic and all-inclusive, that there was no doubt of Germany's winning the war on sheer weight of arms alone. That same information was given to me directly by certain of the high officers of the Reichswehr, whom I met at Graffenstein's house.

By the middle of 1934 it had become obvious that the rearmament program, though in its beginning, was being planned on a vast scale so that it could not possibly be considered as defensive armament but only as a weapon for offensive war. This was, however, not a conclusion of my own; but it was openly stated as such to me. Graffenstein told me in 1934, during the conversations to which I have already referred, that the purpose of the program was an aggressive war. He told me that he had been so informed by General Goettke in particular. This statement was borne out by other persons who were in the know in Germany at that time. I confirmed his statements by my own conversations with the generals who gathered in his house. They intimated to me, not only that Germany was embarked upon an inevitable program toward war but even gave me indications of the general plan, namely, the drive to the East and the attack upon Russia, after Poland, Czechoslovakia, and Austria had been eliminated. This was as early as 1934, and I had many similar conversations along the same line at Graffenstein's house during the following years.

Similar information was constantly being confirmed from other sources at later dates. For instance, in December 1938, I had a conversation with General Franz Halder, who was then Chief of Staff, at the house of Dr. Etscheit, a prominent Berlin lawyer. Halder stated to me: "You must take into account the National Socialist program in the East. If you, the Western powers, oppose our program in the East, we shall have to go to war with you." During this conversation he made it clear to me that the program of the Nazis for expansion in the East was unalterably fixed and decided upon. It included the attack on Poland, the annexation of Austria, territorial expansion in Yugoslavia, Czechoslovakia, Rumania, and Russia, particularly in the Ukraine. The latter provinces would have to be German. When I replied to Halder that I was positive the Western powers would never tolerate any such aggressive program and that inevitably it would not only mean war with England and France but with the United States as well, Halder replied: "That is a pity."

The same information as to the aggressive intention of the Nazis was given to me by a friend, Count von Bismarck, formerly Counselor of the German Embassy in London. He was violently anti-Nazi. In Germany, where I knew him, he held no official position, deriving

his income from his estates in East Prussia; but he was a man with wide contacts in officialdom, particularly in the Foreign Office. He said that the Nazis were headed for war, for huge aggressive adventures, that conquest of the East was a major part of the vast plan and that conquest of the West would only follow, when complete victory in the East solidified Germany's strength and resources in those quarters. He made this statement to me in 1936 and we discussed it often in 1937 and 1938. He was extremely disturbed, not over the aggressive plans of the Nazis, but over their manner of converting Germany into a slave State, which he repudiated entirely. He considered that the course of the Nazis militarily could not be hindered and furthermore, no country was preparing to stop them.

I also had the same information from another reliable source. After Hitler came to power in 1933, General von Hammerstein withdrew from public life. He had been head of the Reichswehr under Chancellor Bruening. Although he was then retired, he knew and associated intimately with the Generals of the German Army, as he was among them primus inter pares. He told me of the German program for aggressive war during a long conversation which we had during a musical recital in 1938 at Dr. Paul Kempner's home. The army, he said, was at a highly mechanized strength, extremely mobile and ready for anything. He was sure, in view of the preparations and the excellent character of the German equipment that the German Army was then an instrument of invincible striking power. He stated categorically that it was a superb instrument which had been formed to wage war and that it would not be much longer delayed. He did not know the plans and details but he confirmed the information that I had from all sources, that Germany intended to strike in the East and that the war in the West depended on whether or not the Western powers would endeavor to intervene when the German war machine started moving.

Of these aggressive designs I learned also from other sources. A personal friend, Dr. Hans Henniger, a veterinarian in Berlin, was an intimate friend of an officer by the name of Schlessicher (I believe that is the correct spelling), who was the responsible purveyor to the German Army, therefore a high member of the Quartermaster Corps. I do not remember his exact title. Dr. Henniger received from this man information constantly with regard to the preparations being made by the Germans in 1939. A month before March 15, 1939, I was informed of the plans for marching into Prague on that date and that large stocks of food and other equipment were being accumulated near the border of Czechoslovakia. On March 15, 1939, the German Army rolled into Prague.

I also had a good deal of personal experience with and first-hand knowledge of the internal policies from 1935 to 1939. Indeed, from the very outset of the regime, I had intimate and continuous contact with various officers of the German Government in the course of my duties as an American official protecting American citizens or protesting against their mistreatment. The acts of violence against American citizens were numerous, particularly during the early years of 1933 and 1934. In addition, I was constantly receiving information as regards other Nazi tactics and the nature and number of victims from a variety of sources; the victims themselves on many occasions, both American and German, told me their experiences and appealed for help; relatives and friends of victims, both those who came back and those who did not; the foreign newspaper correspondents and, to a very considerable degree, I received information from the Gestapo itself.

For a period I dealt directly with Herr Heinrich Himmler, then subsequently with Herr Reinhard Heydrich and often with Dr. Werner Best.

H1106 - 0078

H1106 - 0079

My vigorous relations with the Gestapo began in March, 1933, in fact I knew the organization of the secret police and dealt with that organization before the Nazis came to power. It was then the Politische Abtailung des Politzeipraesident, i.e., the political division of the Politizeipräsidium, which was charged with supervisory and preventive functions with regard to political matters, then chiefly investigating the terror of Communists. It was located in Berlin at the Politzeipräsidium. On March 6, 1933, it was moved from the Politzeipräsidium to No. 8 Prinzalbrechtstrasse and became the famous Gestapo (Geheimstaatpolizei), its first chief was Rudolf Diels, who was succeeded by Heinrich Himmler, in May, 1934. I knew well not only Diels but also Himmler, his second in command, Reinhard Heydrich and his administrative officer, Dr. Werner Best. The organization at No. 8 was huge with over 1,000 persons employed there. Besides, as rapidly as administrative measures permitted, Gestapo headquarters were established throughout Germany, not only in the cities but in provincial places to such an extent that the smallest hamlet and village fell under direct Gestapo supervision. At the beginning of the Hitler regime, the only organization which had meeting places throughout the country was the S.A. (storm troopers). Until the Gestapo could be organized on a national scale the thousands of local S.A. meeting places became the "arrest points." There were at least fifty of these in Berlin. Communists, Jews, and other known enemies of the Nazi party were taken to these points and, if they were enemies of sufficient importance, they were immediately transferred to the Gestapo headquarters. During 1933 and 1934, when the Gestapo became universally organized, the S.A. were gradually eliminated as arresting agents and the S.S. (Schutzstaffel) were incorporated as administrative and executive officials into the Gestapo. By the end of 1934, the S.A. had been fairly well eliminated and the S.S., the members of which wore elegant black suits and were therefore called Elite Guards, became almost identical as functionaries with the Gestapo.

Immediately in 1933, the concentration camps, as soon as they were established, were put under the immediate charge of the Gestapo and they remained exclusively a Gestapo institution. Only "political" prisoners were held in the concentration camps. Ordinary criminals remained the responsibility of the regular police authorities and the established courts. On being sentenced, they were confined in the regular prisons. These confinements were always the result of duly carried out legal procedure. Incarceration in concentration camps was carried out without any legal procedure, neither indictment nor trial. Prisoners were, occasionally, released from the concentration camps and turned over to the prosecuting attorney for prosecution before the legal courts of justice. A prisoner accused of high treason, for example, whose offense might carry a death sentence, would be released to the prosecuting attorney for trial in the people's court. All felonies were tried by the regular courts.

As I have stated, my frequent contacts with this entire Gestapo organization began with the first wave of terrorist acts in the week of March 6-13, 1933. That wave was accompanied by universal mob violence. Since 1925, one of the cries of the Nazi party had been "Jude Verecke" (Death to the Hews) and when the Nazi party won the elections in March, 1933, on the morning of the sixth, the accumulated passion blew off in wholesale attacks on the Communists, Jews, and those who were suspected of being either. Mobs of S.A. men roamed the streets, beating up, looting, and even killing persons.

No American citizen, so far as I am aware, was killed, but a number of them were assaulted and injured and appealed to the Consulate General for aid and protection. For example, Nathaniel Wolff, an American citizen, who resided in Rochester, New York, made an affidavit which stated:

H1106 - 0080

"This morning, March 6, at 5 o'clock, there came into my room five or six Nazis with drawn revolvers. They abused me, called me a dirty Russian Jew and started going through my belongings. They asked me what remarks I had made, I replied that I had made none that I knew of and that I am not interested in politics. One of them shouted "Do you call throwing bombs not being interested in politics?" Another asked at the same time, "Are you the Wolff who lived in the Pension Stephanie?" Having left the Stephanie on account of difficulties with the Portier regarding the price of the room and his behavior, I whistled very softly, intimating that I understood the source of the denunciation. Thereupon one of the Nazis remarked: "Du Scheiss Jude, warum pfeiffst du?" and hit me in the jaw. They said that they would take me to the police station, whereupon I answered, "The quicker, the better, because my conscience is absolutely clear." One of them said, "Do you call throwing bombs having a clear conscience?" The intruders were not accompanied by an officer, nor did they carry "Hilfspolizei" armbands. They took me in an automobile to an address in the Knewebeck Strasse beyond the Kant Strasse (I believe No. 67 or 76, Gartenhaus left, I think three or four flights up the stairs). I was conducted to a bare room in which the shutters were closed and the windows boarded, evidently to prevent sounds from getting out, where, after my possessions were taken away including my keys, I was left with two guards who spent the time abusing the Jews. At five minutes before seven, the group who had arrested me returned with two or three members including one who was apparently a leader, when I was again abused, that is, they gave me to understand that they imagined I was implicated in communistic activities. I remarked that I should like to send a telegram to my cousin, Alan Steyne at the Hamburg American Consulate, and asked if I had the right to do so, whereupon the leader replied: "As a foreigner you have no right, and especially not as a Jew." One of the men then proceeded to bind my hands and feet as closely and as painfully as possible. I still bear the marks of the bruises on my wrists. I was questioned about various English and French letters which had been found in my room and taken along with them and then I was left about half an hour alone because they evidently discussed my fate. After some time one of the group returned and advised me that every one had a right to his own political opinions as long as no attempt was made to mix into politics. He remarked that nothing was to be gained by brutality, undid the rope and freed my hands and feet and gave me a cup of coffee and said, "Probably the thing isn't so bad because women chatter a great deal" and that I was denounced by a girl. After a few minutes he elaborated the statement that the girl, Paula, of the Pension, had denounced me as having the intention of throwing bombs at the Nazi parade. I expressed my astonishment and told him the facts of the case. He appeared to laugh it off and asked me if I would be willing to sign a paper on the condition that they would release me. I said "yes." They then said I would have to go to the police to have my signature attested to and one of the men who had come in, in the meanwhile, went out to draft the paper I was to sign. He returned with the paper which read: (1) "I am a Jew." (2) "I will leave tonight for Paris,"

H1106 - 0081

(3) "I promise never again to set my foot on German soil." "I attest that no physical violence was done to me and that none of my property was stolen." This paper I signed. They told me to put on my coat and come to the police. Instead of taking me to the police station they took me to Charlottenburg towards the Gruenwald. When I asked to which police station they were taking me, they replied "You'll get there soon enough." When we were near the Heer Strasse they pretended that the automobile was broken down and informed me that I would have to walk through the woods to get to the police station. We proceeded into the woods where three members drew their pistols and the other two brought straps out of their pockets and informed me that they were going to teach me a lesson and made as if they were about to tie me to a tree. They said that they intended to beat the life out of me and "You can walk back afterwards." I replied that I hoped I would be able to walk. This was probably about eight o'clock and we were entirely alone as nobody had followed us. I took off my coat myself and remarked "If one can't help oneself, one may as well make the best of it." One of them threw my coat to the ground and said "Get ready" and after making a threatening gesture, said "You can go home now!" pointing to the wrong direction, whereupon they walked rapidly to the automobile and disappeared yelling after me, "Keep your mouth shut." I was also threatened that if they ever caught me in Germany again, they would know how to get me out of the way..."

Another American, Herman I. Roseman, made an affidavit which stated:

"Yesterday, March 10, 1933, in the afternoon at about 4:30, I came out of "KDW" with my fiancee, Fraulein Else Schwarzlose, residing in Wilmersdorf, Kaiser-Allee 172, and proceeded to walk along Tauentzien Strasse. A man in S.A. uniform stepped on my toe purposely, obviously offended me and said "Pardon." I said "bitte," and walked ahead. He followed me and kicked me saying: "Na und?" A policeman saw this and walked ahead, paying no attention to attacks made on me. Than I took my passport out of my pocket, showed it to the second policeman, and said that I was an American citizen, but he walked ahead, obviously not able to afford me protection, or at least being unwilling. The S.A. man continued to attack me, struck me in the face, wounded me over the eye, and continued to do me bodily harm. During this attack, all the time my walking along, we reached another policeman, and I applied to him, showing my passport and said: "I am an American and am entitled to protection." He shrugged his shoulder and said "What can I do?" By this time the S.A. man had obviously inflicted enough attack upon me and walked away.

Upon my appeal the policeman brought my fiancee and me to the station house at 13 Bayreuther Strasse. My fiancee and I reported to the officer in charge. He heard the story and said that he was sorry, but that there was nothing to do. My face was bleeding. The policeman said that he had had orders not to interfere in any affair in which an S.A. man took part. I then asked him what I could do to protect myself. He said that there was nothing to do but to wait until the situation was better. He added that the police were absolutely powerless, and were under the direction of the S.A., and that there were S.A. Sturm-Abteilung in the police itself. Thereupon I departed..."

Another American, Mrs. Jean Klauber, made an affidavit which stated:

> "That on the night of Friday, March 10, 1933, she and her husband had retired for the night when they were awakened by a prolonged ringing of their apartment bell. They heard pounding upon the street door and a demand for immediate entry, and a concurrent threat to break the door down. The street door was opened by the janitor's wife, and a party of four or five men entered and went at once to the apartment of the deponent where they again rang and pounded on the door. Mr. Klauber asked who was there, and was answered - "The police." He opened the door and a party of four or five men in brown uniforms, one wearing a dark overcoat and carrying a rifle, pushed in, jostling Mr. and Mrs. Klauber aside. One asked Mrs. Klauber where the telephone was and she indicated the room where it was to be found, and started to go there. Thereupon, she was knocked down by one of them. They went on to the bedroom where Mr. and Mrs. Klauber followed them, and there they demanded their passports. Mr. Klauber went to the wardrobe to get his, and was stopped, being asked by the intruders whether he was carrying any weapons. Being clothed only in pajamas, his denial was accompanied by a gesture indicating his garb. He then turned to the wardrobe, opened it, and reached for one of his four suits hanging therein where he thought the passport was, and was immediately attacked from behind by all but one of the intruders, who beat him severely with police clubs, the one with the overcoat and rifle standing by. Remarks were shouted such as "Look. Four suits, while for fourteen years we have been starving." Mrs. Klauber tried to inquire the reason for their actions, and was answered - "Jews. We hate you. For fourteen years we have been waiting for this, and tonight we'll hang many of you."
>
> When the intruders stopped beating Mr. Klauber he was unconscious, and they demanded the passports again of Mrs. Klauber. Mrs. Klauber found her American passport and her German passport (required by local authorities as the wife of a German citizen, and issued by the Police at Munich after her arrival here), and the intruders took both in spite of Mrs. Klauber's protests that she was American. She then searched for her husband's passport, laid hold of his pocket-book, and in her excitement offered it to them. Though full of money they refused it, and again demanded the passport. Mrs. Klauber then found it and handed it over.
>
> Then the intruders returned to the unconscious Mr. Klauber, saying "He hasn't had enough yet," and beat him further. Then they left, saying "We are not yet finished," and just as they departed, one of them said to Mrs. Klauber "Why did you marry a Jew? I hate them" and struck her on the jaw with his police club..."

I personally can verify that the police had been instructed not to interfere; that is that there was official sanction for these activities. Affidavits taken from numerous victims attest this fact. I had become acquainted with the two police officers stationed at the corner of Bellevuestrasse and Tiergartenstrasse near where the Consulate General was located; these officers told me that they and all the other police officers had received definite instructions not to interfere with the S.A., the S.S. or the Hitler Youth.

H1106 - 0082

For the Germans who were taken into custody by the Gestapo, chiefly Communists at that time, there was, from my experience and from the information that I had from all sources, a regular pattern of brutality and terror; upon arrest, the victims would be systematically subjected to indignities and brutalities such as beatings, kicking, pushing downstairs, deprivation of food and all comforts, and threats of much worse. After the victims had been imprisoned - usually in cellars, since both the headquarters at No. 8 Albrechtstrasse and the S.A. meeting places usually had them - they would be beaten with various degrees of severity. If the Gestapo believed that the victim - particularly Communist leaders - had information as to other alleged accomplices they would give systematic beatings, usually when stripped and tied on a table. This would go on often for many days until they had extracted the information they wanted or killed the victim.

Based on all of the reports which I had from many sources, my judgment is that the victims were numbered in the hundreds of thousands all over Germany. Many of them were ultimately released. I can state with certainty that the contemporaneous accounts in foreign newspapers, such as the London Times and the American newspapers which I have seen, are accurate.

The second wave of terror was not so systematic nor so concentrated as to point of time. It was directed chiefly against the Jews, and was chiefly the result of the ruthless and occasionally violent enforcement of numerous decrees and orders, such as the Nurnberg Decrees. After the initial outbreak in March, 1933, and all through that year and the next, the Jews still in Germany had, in many cases, come to believe that things might become a little better and that they could live in some sort of peaceable relationship with the Nazis, even though they were reduced to the status of second or third class citizens. In 1935, however, the pressure on them began to increase and they began to be excluded completely from certain civil activities. The terrorism was continued all the time to some degree; but the enforcement of the new decrees in 1935 was characterized by such brutality and ruthlessness that it warrants special attention. Inadvertent violators were dealt with, for example, with great severity.

The 1938 wave of terror was a very pronounced and definite one. Again the object was the Jews, particularly the wealthy ones. The ostensible occasion was the murder of the German diplomat, von Rieth, by a French Jew, but the violence was in no sense spontaneous. Dr. Best, the Administrative Officer of the Gestapo, told me that the terror had been decided upon and ordered by Hitler himself, and that he, Dr. Best, could, therefore, do nothing about it. Actually, that statement corroborated what everyone knew. Innumerable persons with whom I talked and who witnessed the violence told me that at all of the synagogues, which had been set on fire by the Nazis, the fire departments were always present, but never acted except to prevent the fires from spreading to neighboring non-Jewish properties. Nor did the police interfere with any of these acts of vandalism and incendiarism.

I personally did not see any of the violence nor the burning of the synagogues while the acts were being perpetrated, as the mobs throughout Germany commenced to work at midnight on November 8, 1938, and carried through their activities during the early morning hours of November 9. At that time I was on my way to the

H1106 - 0083

H1106-0084

Wartburg Castle, and on the day of November 9 I saw the burned synagogues and the looted and smashed shops in Eisennach, and later in Berlin. I also know that at this time many of the wealthy Jews, who had previously escaped attack, were arrested, among whom were relatives of American citizens. Pursuant to requests from the United States, some of which were transmitted through the Department of State, I personally intervened with the Gestapo through Dr. Best, and secured the return of nearly twenty victims from the Saxonhausen Concentration Camp. Among these victims were Fritz Warburg and Eugene Garbaty. I think that many, perhaps most of these people, were released in the space of ten days or two weeks with the warning that if they remained in Germany they would have cause to regret it. In all cases the victims were subjected to rough treatment. Those who returned from the concentration camp and whom I saw in my office had their hair closely clipped, a common outward sign that they had been at Saxonhausen.

The Gestapo authorities with whom I spoke on my frequent, and often daily visits to the Gestapo headquarters did not hesitate to state that they regarded Communists in particular as subversive and as an element dangerous to the State, and that it was necessary to wipe them out. Diehls, the first chief of the Gestapo, in particular, whom I saw nearly every day of the March wave of terror in 1933, made no attempt to conceal the systematic character of the round-ups of what he called "subversive persons"; though he did attempt to justify it to me as necessary to the safety of the State. While denying that any violence against American citizens was contemplated, he admitted that it was being undertaken against Germans. Terroristic tactics, however, in all their various forms, were so completely and thoroughly the actuating policy, that it would have been wholly redundant to discuss it. They and I both understood that it was the mainspring of all Gestapo activity - indeed of all Nazi activity - and that it was beyond discussion.

On one occasion I received a clear and definite admission of the Nazi terroristic policy with respect to many of their victims. In 1938 I was making strenuous efforts to free a young man from a concentration camp. He had been arrested in March, 1933, for aiding certain of his comrades to escape Germany, and had been sentenced by regular courts to a sentence of 2 1/2 years. When he was released from the Brandenburg Prison at the end of that time, he was taken into custody by the Gestapo and sent to Dachau, the notorious concentration camp, and from there to Buchenwald. I had tried over a long period of time to secure his release by appeals personally to Himmler, Heydrich and Best, and had failed. In 1938, however, I was told by Ministerialrät Krohne, in the Ministry of Justice, that if I could reach Grupenfuehrer Eiche of the Todtenkopfverbaende (Death's Head Regiments) I might be successful. Eiche was then the head of all German concentration camps. After having first been told officially by the Gestapo that no such person existed, I was finally able by a ruse to secure his telephone number whereupon, through the recommendation of Krohne, I was able to make an appointment with Eiche at the Saxonhausen Concentration Camp near Berlin. He told me that with respect to Communists and any other persons who were suspected of holding views contrary to the Nazi conception of the State, such persons were "Asociale", that is, impossible of social assimilation and, therefore, they must be physically eliminated from society, or destined to perpetual confinement.

H1106 – 0085

Thaelman, the leader of the Communists in the Reichstag, was, as is well known, kept during the Hitler regime in perpetual confinement. His ultimate fate has never been revealed.

On another occasion I was given considerable information by a high official of the Gestapo as to the policy of the Nazis with respect to the Jews. I had had considerable contact with the head of the Jewish section of the Gestapo, known as the "Judischeabteilung des Gestapos", one Dr. Hasselbacher, in connection with making arrangements for official representatives of the American Joint Distribution Committee to visit certain Jewish centers throughout Germany, for which visits, of course, the permission of the Gestapo was necessary. These negotiations brought me frequently in touch with Dr. Hasselbacher, whom I came to know very well. He told me that Germany will be made "Judenrein", that is, clean of Jews. He said that all the Jews who failed to leave Germany would be exterminated. That statement was made in 1938 before the extermination camps were established, but the statement of Hasselbacher clearly indicated the eventual emergence of extermination camps in accordance with the general Nazi plan; for certainly the Jews were unable to leave Germany, even if they had been permitted to do so by the Nazis, as no world-wide arrangement had been made to receive them in other countries.

I had a great deal of experience with the systematic measures which were taken to confiscate property of non-Nazis, particularly Jews. Force of circumstance and a settled governmental policy made this campaign a more gradual one. Drastic and sudden action would have lead to the alienation of a great deal of ready assets owned by the Jews and would have tended to destroy the economic value of Jewish-owned property. It would also have resulted in the physical destruction or hiding by Jews of things of value, as indeed did happen to a great extent. Consequently, the Nazis permitted many Jews, particularly those of wealth and position, to remain unmolested for many years, giving the Jews the faithless and false assurance that they were exempted from the general repressive program for various reasons. For example, I knew well the leading German cigarette manufacturer, Eugene Garbaty. Until September, 1938, he was in complete control of his fortune. During that month, however, he was compelled to sell his factory, worth between seven million and ten million marks, for the sum of one million marks. In October, 1938, his country estate near Dresden, valued probably over two million marks, was simply confiscated with no payment at all. It was to be used, as the authorities stated, for a welfare center for German Youth. After his experience in the Pogrom of November 8, 1938, Garbaty applied for a passport and received one only after paying a bribe of 500,000 marks to the corrupt Count Heldorf, Chief of Police in Berlin, and enough other fines to equal the million marks that he had received for his factory. He left Germany with nothing, except that earlier, by bribing the customs officials with approximately 250,000 marks, he had been able to get valuable art treasures out of Germany. Garbaty is now a citizen of the United States and is living in Connecticut.

Another instance of the same nature occurred with respect to my landlord, Mr. Franz Rinkel, who told me the entire story of his persecutions at the hands of the Nazis. He had a fine

H1106 - 0086

house at No. 2 Bruckenalle in Berlin, in which I lived. Rinkel was one of the victims sent to Saxonhausen and whom, after the space of a week, I was able to rescue. One Dr. Lilienthal, a fanatical Nazi lawyer practicing in Berlin, coveted Rinkel's house. The general system of expropriating the property of the Jews was illustrated in this particular case. My landlord was approached by Dr. Lilienthal and told the price the latter desired to pay, a mere fraction of the value of the estate. He was given a few days to make up his mind to sell at that price. He sold because he knew that if he did not, he would be accused of some trumped-up crime and taken away to the concentration camp. Dr. Lilienthal took possession of Rinkel's house. I know that on many occasions where it was thought necessary to increase the pressure, the prospective purchaser or his agent would be accompanied by a uniformed S.A. or S.S. man. I know because I lived in the immediate neighborhood and knew the individuals concerned, that Baron von Neurath, one time Foreign Minister of Germany, got his house from a Jew in this manner. Indeed, he was my next door neighbor in Dahlem. Von Neurath's house was worth approximately 250,000 dollars. I know too that Alfred Rosenburg, who lived in the same street with me, purloined a house from a Jew in similar fashion. There were, of course, innumerable instances in which Nazis used their positions in the Party to void debts and the like. An illustration of this were the cases of the persons who came to the Consulate in Berlin and informed us of the circumstances. For example, Max Schussler, an American citizen, made an affidavit which states:

> "....I own several apartment houses in Berlin, one situated at Ring Strasse 11, Berlin-Steglitz. On the property at Ring Strasse 11 resides a tenant by the name of Hans Zink, who owns and operates a restaurant in those premises. He has been in arrears in his rent for about a year. Since the first of February of this year, that is, since the new Government came into power, he has refused to pay his rent. I gave instructions to the Sheriff to have him put out. Yesterday two uniformed men came to my office and spoke to my secretary and said that if I do not recall the order to the Sheriff to have Zink evicted, something will happen to me. I did not see these men. My secretary received them. She stated they were black trousers and brown shirts. She referred them to my attorney, Felix Szkolny, Charlottenstrasse 17, Berlin S.W. 68. They went to the attorney, but he refused to give the order. They came to my office again and said to my secretary that if I did not give the order in writing and hand it over to a certain address within an hour's time, something would happen. I then called the police station at Alexandrinenstrasse 134, Revier No. 113, and a police officer came to my office and a ccompanied me to a taxi, when I went home.
>
> About a week before, it may be noted, Zink had come to my office and insisted on my rescinding the order of eviction, and said, "I care nothing about law; we are now in power, remember that. Do anything you please, I am not going out of the office until you cancel the order". I called the police, and an officer came. Zink said, "I do not care what you say". After about ten minutes the officer put him out.
>
> At two o'clock Tuesday morning, March 7, I was awakened and faced by two men with pistols, who had

H1106 - 0087

come into the house. They were allowed to enter by the janitress, as they claimed to be "Hilfspolizei", and also by my maid. These two men were accompanied by two others in civilian clothes, the former wearing the brown National Socialist uniforms. They said, "Here, dress yourselves, quick too". My wife asked them to turn about while she dressed, but they refused. She was compelled to remove her night gown at the point of a revolver and stand naked before the intruders. When she protested they said, "Don't be theatrical". My wife then wanted to telephone, but they said, "No, sit down. Do not touch the telephone", while they kept their pistols pointed at us all the time. I sat down. One of them said, "Have you got a fountain pen? You sign that". I had to sign the order to the Sheriff cancelling the order of eviction, and had to sign another letter to the tenant Zink, stating that the order of eviction was called off. I hesitated to sign and they drew their revolvers on me, and my wife in terror fell to her knees, and then I signed. I asked if they had credentials, and they pointed to the "Hakenkreuz" on their sleeves and said that was their credentials. They then said, "If you recall that order tomorrow, you will be dead". After I signed, they left...."

Actually, all Nazis used their positions in the Party as a means of enriching themselves. I have already spoken of the bribe to the customs officials and the Foreign Office officials, which Mr. Garbaty was compelled to pay. Another instance of the venality of the Nazi officials was illustrated in the case of Mendelssohn Bartholdy, who owned a house near me and whom I knew well. He was told by Count Helldorf, Chief of Police in Berlin, through his stooge, one Herr Schmidt, that his passport would cost him 250,000 marks. Bartholdy told me the facts and asked me if he should pay. Knowing the Nazi practices and the danger which he ran as a Jew in Germany, I advised him to pay. He did, got his passport and visa, and left Germany. This happened in November, 1938.

I was informed by a personal friend, a Jewish banker in Berlin, Herr Kempner, whom I believed to be qualified to make an accurate estimate, that the total confiscations from Jews in Germany was between seven and eight billion marks.

I had less experience with the manner in which the Nazis operated in industrial firms. However, from the accounts of numerous American businessmen with manufacturing plants in Germany, accounts which agreed with the information which I had with respect to similar activities in German factories, I know that the Nazis used their Party position to obtain authority and power. Many American businessmen told me that they had serious troubles operating their factories because the Nazi officials in the establishment, usually recruited from the workmen, attempted to take over the management themselves, and engaged consistently and ruthlessly in acts of persecution against non-Nazi workmen. Many German firms were actually dominated by fanatical Nazis, usually persons who had had no previous position of importance, such as janitors, timekeepers and the like. Their position in the Nazi hierarchy gave them importance in the enterprise out of all proportion to their standing and position.

Signed: Raymond H. Geist

H1106 - 0088

Subscribed and sworn to
before me William L. Brewster
Vice Consul of the United States
of America, duly commissioned
and qualified,
in Mexico, D. F., Mexico,
this 28 th day of August 1945.

Signed: William L. Brewster
Vice Consul of the United
States of America

Service No. 6684
Tariff No. 38
No fee prescribed.

Office of U.S. Chief of Counsel
Translation of Document 1852-PS

Extract from Die Deutsche Polizei, Dr. Werner Best
pp. 14 - 20.

III. LAW

The conception and formation of "police" law, which governs the duties and activities of the "police" in detail, is based on the conception of the law and its formation in general.

1. Law.

a. The personal-human (individual-human) conception of Law.

For the personal-human (individual-human) conception, "law is only that law laid down by those who are concerned with the validity of the law or those commissioned by them, in accordance with the rules of the fundamental law - the "constitution" - or a legal decree based on law, whereas the administrative decree which governs the actions of the authorities is not regarded as law. Every action which is not based upon the law and does not come within its framework, is wrong and illegal, insofar as it concerns individual men, because their agreement to such action cannot be stated or supposed.

b. The people's conception of "Law".

According to the people's conception, law is every rule which fulfills the unity of the people's "organs" - organizations and individuals - and which is sanctioned or approved by the leaders. There is, therefore, no difference between stronger and weaker "rules", between "constitutional Law" and "common law", between "law", "orders" and "decrees", between "public" and "private" law. The will of the leaders, in whatever form it is expressed whether through law, order, decree, single order or collective order, regulation of an organization or regulation of competence, etc., administers law and alters all theretofore valid law.

2. "Police" law.

There is no written "Police" law of the German Reich, which rules the duties and activities of the Police (actual "Police" law).

The only government ruling, in which the "police duties" are mentioned, without any more detailed specification, is in the Fuehrer's and Reich Chancellor's decree concerning the appointment of the Chief of the German Police and Reich Ministry of the Interior, dated 17th June 1936 (Reich Gesetz Blatt I, p. 487):

> "For the unification of the police duties in the Reich, a chief of German Police of the Reichs Ministry of the Interior is appointed who will be commissioned with the leadership and organization of all police matters in the administrative sphere of the Imperial and Prussian Ministry of the Interior."

The contents of the "police duties", which in this are specifically recognized by the leader as special State duties, must be gathered from the written and unwritten "law", through which the action of the police is at present determined.

a. The written police law.

Written "police" law, which governs the duties and activities of the "police" exists at present only as common law of the individual German states. As an example, the Prussian Police Administration Law of 1.6.1931 (Prussian Law Manual, p. 77) is referred to.

The extent to which this written law can still be regarded as valid, evolves upon two points of view, insofar as differences of common law defini-

H1106 - 0089

tions can be established, firstly, to exercise duties uniformly in the German Reich, different rules in different districts cannot be recognized; secondly, in differences of common law, the laws drawn up by the national socialist regime take precedence over the laws of earlier times which are still valid.

The most important national socialist ruling on duties for a part of the "police" is contained in the Prussian Law of 10.2.1936 (Prussian Law Manual, p. 21) about the Secret State Police. Clause 1 of this law reads:

> "The Secret State Police has the task of investigating and combatting all activity dangerous to the state within the whole territory of the state, of collecting and evaluating the results of the investigations, of giving information to the government of the state, of keeping other authorities posted as to facts important for them, and of supplying them with suggestions. The Chief of the Secret State Police in agreement with the Minister of the Interior decides what individual matters come within the sphere of the Secret State Police.
>
> "The sphere of competence of the organs of the ordinary administration of justice remains unaffected."

Thus the "police" task for a branch of the "police" has been defined according to the law of the land, in such a way that it conforms to the task which forms the basis of the people's conception of "police": the safeguarding of national order against disturbance and destruction.

The decree for the protection of people and state of 28.2.1933 (Reich Law Publication I p. 83) is to be regarded not as "police" law, i.e. as the direction of police duties and activity, but as the expression of the changed conception of "state" after the national socialist revolution, out of which arose the new conception of "police". Paragraph 1 of this decree reads:

> "The articles 114, 115, 117, 118, 123, 124, and 153 of the constitution of the German Reich are annulled until further notice. Therefore restrictions as regards personal freedom, the right of free expression of opinion including freedom of the Press, the right of forming unions and holding meetings, infringements of the secrecy of letter, post, telegraph and telephone communications, orders for house-searches and confiscation of property, as well as restrictions on property even beyond the limits already fixed by law are admissable ."

By means of this legal statement it was formally made clear at the very moment of the revolution, that individual decisions of the law valid up till then, even of constitutional law, are no longer to be used, as they are incompatible with the new conception of "state"; since that time countless other legal decisions of the past - even those of constitutional law - have been regarded as being no longer applicable without formal repeal or annulment, because they are no longer compatible with the new constitution of the state. The decree of 28.2.1933 for the protection of people and state was not a "legal foundation", i.e. a statement of their duties and their activity, but only the confirmation of the fact that the duties which they had already begun to undertake were in accordance with the will of the highest governing body to set things right.

Both the second clause of the law of 18.3.1938 (Reich Law Publication I p. 262) dealing with the re-unification of Austria and the German Reich and the third clause of the decree of the Fuehrer and Reich Chancellor of 22.10.1938 (Reich Law Publication I p. 1453) dealing with the administration of the Sudeten-German territories, served as the desired formal clarification, in the territories newly acquired by the Reich, that the restrictive legal decisions of the past must not stand in the way of the fulfilling by the

H1106 - 0090

"police" of their duties in Reich territory. The first paragraph of both these clauses is practically identical and reads:

> "The Reichsfuehrer SS and Chief of the German Police in the Reich Ministry of the Interior can take the necessary measures for the maintenance of security and order (in the decree of 22.10.1938: administrative measures) even beyond the legal limits otherwise laid down for this purpose."

b. The unwritten "Police" law.

Not only the legal regulations drawn up by the national socialist regime, but also the whole activity of the German police since the year 1933 sanctioned by the highest governing body of the Reich - and partly on its sole instructions - as well as the re-arrangement of the "police" regulations, show that the duty of the "police" is conceived by the government in the sense represented here and that any other conception of the duty of the "police" can no longer be valid.

Thus all legal definitions which are at odds with this must be considered as altered in the sense of this new conception, without formal cancellation or alteration of the individual earlier laws. For the making of laws as a result of popular "voices" working together, of actively operating organizations and of "actively" or "passively" cooperating individuals, for the fulfilling of a definite task - here the task of the "police" - must not be contradictory in itself, or only because an individual law drawn up at an earlier date has not been formally altered, and to which laws at variance with the will of the government remain tied. At an early date this conception became evident in the administration of justice of individual German High Administrative Courts. The High Administrative Court of Saxony has already explained in a decision of 18.1.1935 (published in the Reich Administrative Publication of 1935, p. 117 ff):

> "According to it (the national socialist conception of state and law), law is not the sum total of the single regulations expressly laid down by the legislator. Legislation is rather only the expression of the ideas of right which are rooted in the people. Not legislation but these ideas of law("conceptions of right"), according to which laws are formed in steady development, represent "law"..... In this sense, "law" as common law, i.e. as the orderly way in which the people lives as a community, is recognized as taking precedence over the statutes themselves."

This means that the orderly or regular way in which the people fulfills the "police" task through its "voices" - organizations and individuals - is "police" law, which takes precedence over statutory law, insofar as this does not reproduce the contents of the "police" law which is valid at the time but which belongs to an earlier date and has meanwhile been altered.

The unwritten "police" law, i.e. law which is not laid down in statutory form, by means of which all "police" action is determined, does not however consist of mere "ideas of law" which are "rooted in the people", but of many sorts of regulations which in different forms - law, order, decree, single command, general command, organizational and competence regulations, etc. - were laid down by the highest governing body of the Reich or with its sanction. The "police" never acts in a lawless or illegal manner so long as it acts according to the rules laid down by its superiors - up to the highest governing body. The High Administrative Court of Hamburg rightly states in its judgment of 19.11.1937 (published in the Jurisdiction Wochenschrift 1937, p 3335 f.):

> "According to its nature, the police must only deal with what the government wants to know is being dealt with."

H1106 - 0091

What the "government" wants to know is being "dealt with" by the police is the essence of "police" law, and is that which guides and restricts the actions of the police. As long as the "police" carries out the will of the government, it is acting legally; should it overstep the will of the government, then it is no longer a matter of "police" action, but it is a case of a breach of duty by a member of the police.

Whether the will of the government lays down the "right" rules, i.e. those possible and necessary for police action - thus the "police" law suitable for and beneficial to the people - is no longer a question of law, but a question of fate. For actual misuse of the "right-to-put-right" on the part of a people's government, whether it consists of harmful severity or of harmful weakness, will be punished more surely before history by fate itself with misfortune and overthrow and ruin, because of the violation of the "laws of life," than by a State Court of Justice.

- -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 1852-PS

15 Oct. 1945

I, FRED NIEBERGALL, 2nd Lt., INF, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 1852-PS.

FRED NIEBERGALL
2nd Lt., INF
O-1335567.

H1106 - 0092

H1106 - 0093

TRANSLATION OF EXCERPT FROM
DOC. 1856-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Extract of Page 27 of the book "Hermann Goering Speeches and Essays." (Reden und Aufsätze) edited by Dr. Erich Gritzbach, Third Edition. Published by Central Publishing House of the N.S.D.A.P.
Franz Eher Successor, München. (1939)

****

Excerpt from speech entitled: "We Bear the Responsibility", delivered at an NSDAP demonstration on 3 Mar 1933 at Frankfurt am Main:

"Fellow Germans, my measures will not be crippled by any judicial thinking. My measures will not be crippled by any burocracy. Here I don't have to give Justice, my mission is only to destroy and exterminate, nothing more! This struggle, fellow Germans, will be a struggle against chaos and such a struggle, I shall not conduct with the power of any police. A bourgoise state might have done that. Certainly, I shall use the power of the state and the police to the utmost, my dear Communists! so you won't draw any false conclusions; but the struggle to the death, in which my fist will grasp your necks, I shall lead with those down there,-those are the brown shirts."

CERTIFICATE OF TRANSLATION
of EXCERPT FROM DOCUMENT 1856-PS

---

22 October 1945

I, FRED NIEBERGALL, 2nd Lt. Inf., O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of excerpt from Document 1856-PS.

FRED NIEBERGALL
2nd Lt., Inf.
O-1335567

H1106 -0094

TRANSLATION OF DOCUMENT 1857-PS
Office of U.S. Chief of Counsel.

from: Voelkischer Beobachter 26 July 1934 p.I.

The Führer elevates the SS to standing of Independent Organization.

Munich, 25 July

The Reich Press Office announces the following order of the Führer.

In consideration of the greatly meritorious service of the SS, especially in connection with the events of 30 June 1934, I elevate it to the standing af an independent organization within the NSDAP. The Reichsführer SS, like the Chief of Staff, is therefore directly subordinate to the highest SS führer. The Chief of Staff and the Reichsführer SS are both invested with the party rank of Reichsleiter.

Munich 20th July 1934.

/s/ Adolf Hitler.

- -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 1857-PS

I, FRED NIEBERGALL, 2nd Lt. Inf. O-133-55-67, hereby certify that 11 Oct. 1945. I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 1857-PS.

FRED NIEBERGALL
2nd Lt. Inf.
O-133 55 67

H1106 - 0095

TRANSLATION OF DOCUMENT 1956-PS
OFFICE OF U S CHIEF OF COUNSEL

Das Archiv vol. 22-24, PAGE 1342
January 1936.

Meaning and tasks of the Secret State Police.

Bedeutung und Aufgaben der Geheimen Staatspolizei.

22. 1.
S1. 36.

In order to refute the malicious rumours spread abroad, the "Voelkische Beobachter" (V.B. of 22.1.36) published an article on the origin, meaning and tasks of the Secret State Police; extracts from this read as follows :

The Secret State Police was created simultaneously in all German Provinces after the National Socialist Revolution owing to cogent political necessity. In Prussia its creator was Prime Minister Goering who is still the Chief of the Secret State Police today. In Bavaria the Bavarian Political Police was created by the Reichs Leader of the S.S. Himmler, who at the same time directed the building of the political police forces in the other provinces outside Prussia. The Political Police Forces became uniformly co-ordinated when, in the spring of 1934, Prime Minister Goering appointed the Reichs Leader of the S.S. as deputy Chief of the Prussian Secret State Police - cf. Si P.38 (Vol 1). Thereby a unified leadership and a proportionate extension of the Political Police Forces of all provinces was assured.

The Secret State Police is an official machinery on the lines of the criminal police, whose special task is the prosecution of crimes and offences against the State, above all the prosecution of high treason and treason. The task of the Secret State Police is to detect these crimes and offences, to ascertain the perpetrators and to bring them to judicial punishment. The number of criminal proceedings continually pending in the People's Court on account of high treasonable actions and of treason is the result of this work. The next most important field of operations for the Secret State Police is the preventive combatting of all dangers threatening the State and the leadership of the State. As, since the National Socialist Revolution, all open struggle and all open opposition to the State and to the leadership of the State is forbidden, a Secret State Police as a preventive instrument in the struggle against all dangers threatening the State, is indissolubly bound up with the National Socialist Leader State. The opponents of National Socialism were not removed by the prohibition of their organi-sations and their newspapers, but have withdrawn to other forms of struggle against the State. Therefore, the National Socialist State has to trace out, to watch over and to render harmless the underground opponents fighting against it in illegal organisations, in camouflaged associations, in the coalitions of well meaning fellow Germans and even in the organisations of party and state before they have succeeded in actually executing an action directed against the interest of the state. This task of fighting with all means the secret enemies of the state will be spared no Leader State, because powers hostile to the state, from their foreign headquarters, always make use of some persons in such a state and employ them in underground activity against the state.

The preventive activity of the Secret State Police consists primarily in the thorough observation of all enemies of the state in the Reichs Territory. As the Secret State Police can not carry out, in addition to its primary executive tasks, this observation of the enemies of the state, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichs Leader of the S.S., set up by the Deputy Fuehrer as the political intelligence service of

H1106 - 0096

the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state. The Secret State Police takes the necessary police preventive measures against the enemies of the state on the basis of the results of the observation. The most effective preventive measure is without doubt the withdrawal of freedom, which is covered in the form of "protective custody", if it is to be feared that the free activity of the persons in question might endanger the security of the state in any way. The employment of protective custody is so organised by directions of the Reichs and Prussian Minister of the Interior and by a special arrest examination procedure of the Secret State Police, that - as far as the preventive fight against the enemies of the state permits - copious guarantees against a misuse of protective custody are provided. While protective arrest of short duration is carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody, who have to be withdrawn from public life for a longer time. The majority of the inmates of the concentration camps is formed by those communist and other Marxist functionaries, who, by previous experiences, would if free immediately resume their struggle against the state. Further police preventive measures against efforts hostile to the state consist in the dissolution of associations, in the prohibition and dissolution of assemblies and congregations, in the prohibition of publications of all kinds and so on. As the NSDAP and its leaders are also provided with special protection by legal regulations, the prosecution of crimes against these laws and the protection of the party and its leaders are also incumbent upon the Secret State Police.

- - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT 1956-PS.

23 October 1945.

I, KENNETH DUKE, Major, R.A., 109907, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 1956 - PS.

KENNETH DUKE,
Major, R.A.,
109907.

Office of U.S. Chief of Counsel
Translation of Extract of Document 1962-PS.

1935 REICHSGESETZBLATT, PAGE 839

Law to change the Penal Code
28 June 1935

Gesetz zur Underung des Strasgesetzbuchs
Vom 28. Juni 1935.

The Reich government has ratified the following law which is herewith announced:

Article 1

Creation of Law by suitable application of the penal law.

The sect. 2 and 2a of the penal code contain the following wording:

sect. 2

Any person who commits an act which the law declares to be punishable or which is deserving of penalty according to the fundamental conceptions of the penal law and sound popular feeling, shall be punished. If there is no penal law directly covering an act it shall be punished under that law which most closely fits, in regards to fundamental conception.

sect. 2a

The culpability of the act and the punishment are determined according to the law which is in force at the time of the act.

Should a milder law be in force at the time of judgment than at the time of the act, then the milder law can be applied; should the act no longer be subjected to punishment at the time of judgment, then punishment may not take place.

A law which is only valid for a designated time is also to be applied upon the acts which have been committed during its validity even if it has been rescinded.

Decisions on disciplinary measures of security and improvement are to be made according to the law which is in force at the time of judgment.

Berlin 28 June 1935

The Fuehrer and Reich Chancellor

ADOLF HITLER

The Reich Minister of Justice

DR. GUERTNER.

- -

CERTIFICATE OF TRANSLATION
OF EXTRACT OF DOCUMENT NO. 1962-PS

16 Oct. 1945

I, FRED NIEBERGALL, 2nd Lt, INF, 0-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Extract of Document No. 1962-PS.

FRED NIEBERGALL
2nd Lt., Inf
0-1335567.

H1106 – 0097

TRANSLATION OF DOCUMENT NO. 2057-PS
OFFICE OF U S CHIEF OF COUNSEL

1934 REICHSGESETZBLATT PART I, PAGE 529

Law Relating to National Emergency Defense Measures
of 3 July 1934

Gesetz über Maßnahmen der Staatsnotwehr
vom 3. Juli 1934

The Reich Government has enacted the following law, which is hereby promulgated:

ONLY ARTICLE

The measures taken on 30 June and 1 and 2 July 1934 to counteract attempt at treason and high treason shall be considered as national emergency defense. Berlin, 3 July 1934.

The Reich Chancellor
Adolf Hitler

The Reich Minister of the Interior
Frick

The Reich Minister of Justice
Dr. Guestner

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2057-PS

---

2 November 1945

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 2057-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567

H1106 -0098

H1106 – 0099

TRANSLATION OF DOCUMENT NO 2107 PS
OFFICE OF U.S. CHIEF OF COUNSEL.

1933 PREUSSISCH E GESETZSAMMLUNG p.21,22

Law on the Secret State Police of February 10, 1936.

Gesetz über die Geheime Staatspolizei,
Vom 10.Februar 1936.

The State Ministry resolved on the following law:

Article 1.

(1) The Secret State Police has the duty to investigate and to combat, in the entire territory of the State, all tendencies inimical to the State. Furthermore, it is the duty to collect and evaluate the result of the investigations, to inform the goverment of the State, and to keep other authorities informed of results significant for them, and to make suggestions. The Chief of the Secret State Police will determine, in agreement with the Minister of the Interior, which dutios should be transferred to the Secret State Police.

(2) The jurisdiction of the organs of the ordinary administration of justice is not affected.

Article 2.

(1) The Prime Minister is the Chief of the Secret State Police.
(2) The Deputy Chief of the Secret State Police is appointed by the Chief directs the operations of the service for him.

Article 3.

(1) The Secret State Police Office is the supreme agency of the Secret State Police in the Country. This office also has the powers of the district police authority.

(2) The Secret State Police Office had its seat in Berlin.

Article 4.

On the district level the duties of the Secret State Police are perfomed in the individual police districts by the State Police Office. The duties of the Secret State Police at the border are perfomed by special border police agents. Otherwise the tasks of the Secret State Police are executed by the county and local police authorities in their capacity as branches of the State Police Offices.

Article 5.

The State Police Offices are subordinate to the competent District Governors (Regierungspräsidenten). They must follow their directives and inform them about all Police affairs which are of a polictical nature. The Chiefs of the State Police Offices are also the offidials of the District Governors in charge of political matters.

Article 6.

The chief of the Secret State Police, in agreement with the Minister of the Interior appoints and dismisses the Officials of the Secret State Police according to the Reich directives on the appointment and dismissal of State Officials.

Article 7.

Orders in matters of the Secret State Police are not subject to the review of the administrative courts.

Article 8.

The Chief of the Secret State Police, in agreement with the Minister of the Interior, will issue the administrative directives for the execution of this law.

H1106 -0100

TRANSLATION OF DOCUMENT NO 2107 PS
OFFICE OF U.S.CHIEF OF COUNSEL

Article 9.
The law on the organization of the Secret State Police Office of April 26, 1933 (Gesetzsammlung 1933. 122, the law on the Secret State Police of November 30, 1933, and sections one to three of the Decreefor the execution of the Law on the Secret Police of March 8th, 1934, are abrogated.

Article 10
This law takes effect on the day following its promulgation.

Berlin February 10,1936

THE PRUSSIAN STATE MINISTRY

GOERING FRICK

After agreement with the Reich Cabinet I promulgate, in the name of the Reich, the above law for the Führer and Reich Chancellor
Berlin February 10, 1936

THE PRUSSIAN PRIME MINISTER
GOERING.

833
CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 2107 PS

8th November 1945

I, WILLARD EVANS SKIDMORE, Lt)jg), USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No 2107 PS.

WILLARD EVANS SKIDMORE
Lt (jg), USNR,
391590

H1106-0101

TRANSLATION OF DOCUMENT 2344-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Aufbau Einer Nation, (Reconstruction of a Nation) by Herman Goering, 2nd Edition, Published by E.S. Mittler & Son, Berlin 1934, p. 89.

---

* * * * *

"Against the enemies of the State, we must proceed ruthlessly. It cannot be forgotten that at the moment of our rise to power, according to the official election figures of March 1933, six million people still confess their sympathy for Communism and eight million for Marxism . . . . . Therefore, the concentration camps have been created, where we have first confined thousands of Communists and Social Democrat functionaries. . . . ."

* * * * *

- - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2344-PS

17 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2344-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

PARTIAL TRANSLATION OF DOCUMENT NO. 2347-PS
OFFICE OF U. S. CHIEF OF COUNSEL

1935 REICHSVERWALTUNGSBLATT, Vol. 56, No. 29
pp.577 - 578, dated 20 July 1935

(Editorial Board: [illegible] Mirow., Dr. H. H. Lammers, H. Pfundtner, DR. O. Koellreutter, Dr. F. [illegible] Medicus)

II. COURT DECISIONS

Survey of decisions of the Supreme Administrative Court (oberverwaltungsgericht)

Police in General
(Rush-Reprint)

Since the Law on the Secret State Police (GeheimeStaatspol. .. of 30 November 1933 (GS.S. 419) became effective, decisions of the Office of the Secret State Police (Geheimes Staats polizeiamt) can no longer be contested according to the provisions of the Law on the Administration of Police. The only remedy against them is a complaint to the superior authority.

Legal status of the Bureau of the Secret State Police according to the Law on the Secret State Police of 30 November 33.

On September 4 1934 the Association Secretary filed a suit against the Secret State-Police at the District-Administrative Court in Berlin. The association asserted that on 23 August 1934 their president had been informed by two officials of the office of the Secret State-Police that the assets of the association would be sequestrated for the purpose of an eventual confiscation.

With the decision of 1 November 1934 the District-Administrative Court decided to dismiss the suit.

The appeal of the plaintiff against this decision could not have any success.

The District-Administrative Court in this case dismissed the suit on the ground of the inadmissability of such an action to this court. According to the principle of enumeration quoted by the judge of first instance a suit can be filed with the administrative courts only if legal provisions expressively rule to that effect. The right of legal redress as provided by the law relating to the Police-Administration applies according to the wording of this law only to the police orders issued by the ordinary police-authorities, i.e. the police-authorities of the community, the district, or the province. The sequestration order in question has not been issued by an ordinary police-authority; on the contrary it had been issued by the Office of Secrete States-Police, the legal status of which has been provided by the Law of 30 November 1933.

With this law an authoritative status was given to the Secret States-Police which was basically different from the one at the time it was created, based on the Law of 26 April 1933. By virtue of this last-mentioned law, the Office of the Secret States-Police should act in political matters "at the side of or in the place of the ordinary police-authorities" and "should have the status of a Province-Police-Authority"....

H1106-0102

H1106-0103

This legal status was changed, as the District-Administrative-Court properly recognized, when the "Secret State-Police" was created. An authoritative organisation was created thus, the status of which is expressly determined by law to be exempt from the sphere of the Minister of Interior, otherwise competent in all Police matters.

Section 1, sub-section 1, sentences 1 and 2 of the Law of 30 November 1933 quotes:

"The Secret State Police is forming an independent branch of the interior administration. Its chief is the Prime Minister". The conception "interior administration" here is not used in the usual meaning of today according to which this word designates the specified affairs within the sphere of the Minister of the Interior - as for instance in comparison with the administration of commerce or public instruction, etc....

That the Secret State Police became an independent organisation is clearly shown on one side by the fact that it is subordinated as a whole to the Prime Minister, and then by the creation of special authorities designated with specific names.

Concluding from all this the legal status of the Office of the Secret State Police since the Law of 30 November 1933 became effective is the following: The office is part of a special authoritative organisation, the "Secret State Police" which forms an independent branch of the Administration of the Prussian State. It has, like the Secret State Police as a whole, its special field as to the nature of its tasks; the management of affairs of the political police. Therewith the characteristic signs are given of a "Special Police Authority" within the purview of Section 2, sub-section 2 and section 8 of the Law relating to the Administration of the Police, an authority detached from the organisation of the ordinary police-authorities entrusted with a special police task. It cannot be considered part of the limited circle of police authorities, i.e. State (Landes) authorities, Kreis or local authorities, pursuant to Section 2, sub-section 1 of the Law relating to Police-Administration, as in relation to them it figures rather as a central authority pursuant to the mentioned provisions of Section 3, sub-section 2 of the Law of 30 November 1933.

From the thus signified character of the Office of the Secret State Police, which therefore doubtlessly forms a special-police-authority, it can be concluded that its orders as mentioned before are not subject to the provisions of the law relating to the Police-Administration in regard to means of redress. Neither does the Law of 30 November 1933 provide for the contesting of a decision by a suit (filing an appeal) at the administrative court. Therefore the party affected by such orders has only the general legal remedy of a complaint to the supervisory authority.

- - - - - - - - - - - - - - -

Decree (Erlass) of 2 May 1935 III. C. 43/35

CERTIFICATE OF TRANSLATION OF DOCUMENT NO. 2347-PS

I, Tibor W. Schonfeld, AEF Permit #51029, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of excerpt from Document No. 2347-PS.

Tibor W. Schonfeld
AEF Permit #51029

DOCUMENT NO. 2386-PS

JOINT STATEMENT OF AMBASSADOR GEORGE S. MESSERSMITH (FORMERLY CONSUL GENERAL IN BERLIN, GERMANY, 1930 - 1934, AND AMERICAN MINISTER TO AUSTRIA, 1934 - 1937) AND RAYMOND H. GEIST, COUNSELOR OF EMBASSY (FORMERLY AMERICAN CONSUL AND FIRST SECRETARY OF EMBASSY IN BERLIN, GERMANY, 1929 - 1939) REGARDING GUILT AS WAR CRIMINALS OF FORMER MEMBERS OF (I) THE GERMAN GOVERNMENT UNDER ADOLPH HITLER, (II) THE GERMAN NATIONAL SOCIALIST LABOR PARTY; AND (III) CIVIL COMMUNITY OF NATIONAL SOCIALIST GERMANY.

Mexico City, D. F.)		United Mexican States)	
)	ss.	Mexico, Federal District)	SS
Mexico)		Embassy of the United)	
		States of America)	

George S. Messersmith and Raymond H. Geist, being first duly sworn, depose and say:

I.

Responsibility for and guilt in the crime of aggression committed by the National Socialist Government of Germany rests not only upon the highest officers of the German Reich, but in relative degrees also upon numerous subordinate functionaries, not only of the Central Government, but of the provincial and municipal governing bodies which collaborated voluntarily in the Hitler oppressions. The period between March 6, 1933, when the first excesses were committed throughout the Reich under the authority of the Central Government, and the end of July, 1933, by which date the violent anti-social policies of Hitler were widely made known and demonstrated clearly to the German public, marks the time subsequent to which all adherence to and participation in the acts of the German National Socialists carries with it greater or less criminal guilt according to the degree in which such participation furthered the aims of the National Socialist State. This degree of guilt differed widely with respect to the numerous functionaries who were incorporated voluntarily and involuntarily in the legislative, executive and administrative branches of the Government of Hitler.

As to the legislative branch of the Government the case is crystal clear; since the integration of the Nazi Reichstag with loyal party members was the first great act of the Hitler regime, which was speedily dramatized and emphasized by the crime of arson, the burning of the Reichstag on February 27, 1933. Those deputies who were elected to the Reichstag previous to January 30, 1933, when Hitler became German Chancellor, bear a full measure of guilt and responsibility for carrying into effect the Nazi program of oppression and aggression. These individuals were involved in schemes to destroy democratic institutions in Germany and to lay the economic, social and political foundations for the regime whose extensive and all-inclusive policies, both national and international,

were/

H1106-0104

H1106-0105

clearly known in Party circles. These deputies were guilty of establishing the legislative foundations upon which the Hitler system was built. While the criminal aspects of their collaboration are clear, it would be a miscarriage of justice to allow these deputies to plead immunity through their adherence to and participation in parliamentary procedures. Their crime consisted precisely in using parliamentary procedures in furthering the base aims which had, from the beginning of their movement, been proclaimed in the political platform adopted by the Nazi Party. This platform was published widely in German publications previous to 1933. While the deputies elected to the Reichstag previous to January 30, 1933, were in particular the founders of the Nazi legislative system, those deputies who were appointed to the Reichstag subsequent to this date and after other political parties in Germany were declared illegal bear an equal degree of guilt, if not more, in view of the fact that these Party members accepted appointment to office not only being in complete agreement with the platform of the Party, but also with the aggressive policies of the regime, which had become clearly demonstrated in practice during the period between March 6, 1933, when universal violence had broken loose and the time of the dismissal of the Hugenburg deputies (Deutsche Nazional Partei) in April or May of 1933.

In further establishing the guilt of individual members of the German Reichstag under Hitler, account must be taken of the individual records of the various deputies, who in addition to their status as functionaries of the Reichstag, also occupied various offices under the Hitler regime in the communities which they purported to represent in the Nazi legislative assembly. Furthermore, it will be found that many of these deputies subsequently occupied positions in the provincial or local governments where they had additional opportunity to promote and advance the Hitlerian cause. A certain number of these deputies also, it will be found, occupied positions in the military setup, in which capacities it may be established that they committed excesses, and for which they would be held responsible.

Further, but on the other hand, it will be found that the infiltration of Nazi representatives in legislative and deliberative assemblies in both the provinces and the cities, and also in the districts, was less effective. Most of these legislative assemblies and deliberative bodies were subject to little change when the Hitler regime came to power and during the time it was solidifying its position in the country. For the most part, these organizations were rendered impotent by the accretion of power which was usurped by the Central Government. Consequently, the members of the various provincial assemblies and municipal deliberative bodies remained unchanged. The individual members for the most part were incorporated automatically into the hierarchy of the Nazi state without more being required than the oath of allegiance to Hitler and an accepted obedience. For instance, many of the Landesgemeinde (provincial assemblies) and Stadtraete (city councils) continued to function in a perfunctory manner under the limited powers left to them, giving local effect to Hitlerian decrees without the authority of questioning or modifying such measures. The members of all such assemblies and deliberative bodies were subjected under the Nazi regime to close political scrutiny

and their dismissal from office was immediately effected if they were found to be lukewarm or politically unreliable. Their situation was similar to that of hundreds of thousands of administrative officials in the provinces and in the municipalities throughout the Reich, whose cases are discussed below.

In general, it may be stated safely that while criminal guilt, as accomplices in the Nazi plan, attaches to all members of the German Reichstag for whom a measure of punishment would be just, those persons who continued in office in the provincial assemblies and the municipal deliberative bodies, provided other criminal or oppressive acts are not laid to their charge, would not be guilty of crime by reason of their continued membership in such bodies.

As to the executive branch of the German Government, the extent of guilt on the participating members is far more general and direct. Undoubtedly the trials of the arch-criminals, formerly leaders of the Government under Hitler, will reveal the claim of certain cabinet and administrative officials that they were not equally responsible for the policies carried out by the Hitlerian regime. Independent of individual criminal acts committed by high functionaries of the German Government or the Nazi Party, such as the murders ordered by Hitler, Himmler and Goering, all high functionaries of the German Government and of the Nazi Party (Rudolph Hess was a functionary only of the Nazi Party) are guilty in the highest degree of complicity in and furtherance of the cardinal crimes of oppression against the German people, persecution and destruction of the Jews and their political opponents, and of waging criminal aggressive war. Guilt in an equal degree, therefore, attaches to all members of the German Cabinet under Hitler, including the Ministers of War, of the Navy, of the Air Force; the Ministers of Finance and Commerce, as well as the chiefs of all governmental agencies, such as the Arbeitsdienst, the Secret Police, the Director of the Reichsbank, Hitler Youth Organization, the Reichs Food Estate (Reichsnaerstand), the S.S. (Schutzstaffel), the S.A. (Sturmabteilung), etc.

It is clear from statements made in the press that the Allied War Crimes Commission considers the administrative chiefs of certain ministries and agencies of the Hitlerian Government as arch-criminals, among whom are Goering, Von Ribbentrop, Von Krosig, Ley, Streicher and others, now incarcerated in Nuerenburg. To these must be added the rest of the functionaires of the same category, including those who held responsible positions not only in the Cabinet, but as chiefs of the primary agencies set up by the Hitler regime. This would include Dr. Hierl, Fuehrer of the Arbeitsdienst, and Dr. Rosenberg, the intellectual leader of Nazi philosophy, and others.

Questions may arise as to the degree of complicity and guilt which should attach to high functionaries of such institutions as the German Reichsbank and the Ministry of Commerce. It is a notorious fact that Dr. Schacht and his successor, Walter Funk, contributed most substantially to the armed preparations made for the waging of aggressive warfare. These officials were cognizant of the aims of the German Government; and were participants in the most secret councils of the regime. They received their

H1106-0106

H1106-0107

directives directly from Hitler in the same manner as Hitler gave his commands to Goebbels, the Chief of Propaganda, and to Himmler, the Chief of the Gestapo. Under the totalitarian scheme in force under Hitler, the German executive branch functioned as one unit, the aims of administration being the same, namely, the maintenance of the Nazi State in supreme power, and the enforcement of measures to carry the aggressive war-program through to a successful conclusion. There was indeed no separation of functions by which the administrators of any governmental department or agency could claim that its activities were not directly connected with German aggressive aims. A study of the totalitarian system, with its innumerable ramifications, will prove that all administrative processes were closely connected parts of a single whole; therefore, in general it may be adopted as a ruling principle that those individuals who were responsible for the making and carrying out of policy in high places bear the primary guilt for the excesses and the aggression committed at home and abroad by the regime of Hitler.

In this connection emphasis is particularly laid upon the role played by the chief functionaries in the Reichs Chancellery, notably Dr. Meissner, Dr. Lammers, and Fritz Wiedeman, their assistants and subordinates. It should be recognized that not only the main functionaries of the Reichs Chancellery are guilty in the highest degree and bear responsibility for the crimes committed by Hitler, but that in such organs of the German Government, which were indeed more closely a part of Hitler's immediate entourage, the range of guilt extends throughout the entire organization. This is especially true also of the Gestapo, the Arbeitsdienst, the Arbeitsfront, the S.S., the S.A., the Hitler Youth, and other purely Nazi agencies which had not been known in Germany under previous governments. In these organizations only leaders were appointed who were actively and creatively in full agreement, not only with the program of the Nazi Government, but who also accepted the practices and lent their personal aid and creative ability in giving effect to the policies of the Government.

For instance, all functionaries and employees of the Reichs Chancellery were fanatical in their following of Hitler. They were employed on the basis of their records as devotees and ardent followers of Hitler. They gave effect to acts of repression and persecution often on their own authority as persons of responsibility attached to the highest office of the land. Similarly, this is true of the huge organization of the Secret Police, which was established on a large scale not only in the capital, but in all cities and towns of the Reich. In the Gestapo, for instance, criminal guilt was not only attached to the successive chiefs of the Gestapo, Rudolph Diels, Heinrich Himmler, Reinhard Heidrich, Werner Best, Dr. Volk (later Prosecutor in the People's Court), but also to such functionaries as Dr. Hasselbacher, head of the Department for Jewish Affairs in the Gestapo, and other numerous functionaries of that organization who occupied key positions in the administrative scheme of that vast organization. Furthermore, provincial and municipal chiefs of the Gestapo situated in the provinces and in the cities of the Reich were among the most guilty of the criminals functioning under the Nazi regime. These person bore the responsibility for the excesses committed by the Gestapo throughout Germany; and were individually responsible for

the murders, beatings, and illegal acts committed under their jurisdictions. While it is certain that the records of these functionaries, if all the facts could be obtained, would make them liable to the most extreme punishment, namely, the death sentence or life imprisonment, it is also a fact that their assistants, including the large number of S.S. men who occupied relatively minor administrative positions in the Gestapo, were directly responsible for the commission of crimes which, under our law, would be punishable with death. In these Gestapo organizations existing throughout the length and breadth of the Reich, numerous minor functionaries were employed, including administrative, clerical, stenographic personnel, chauffeurs, guards, jailors, all of whom were attached to the cause they served with fanatical devotion. These persons were entirely conscious and acquainted with the illegal practices of the Gestapo, and were direct accomplices in the crimes perpetrated. Considering the degree of their guilt and the seriousness of the crimes to which they were devoting their energy, it would seem appropriate in the cause of justice that they should all be given sentences of at least ten to fifteen years hard labor, provided more serious individual crimes were not proved individually against them.

It would be appropriate in considering the administrative governmental departments and agencies of the German Government to make special mention of the old line departments under the Hitler regime, notably the Ministry of the Interior and the Ministry of Education. All policy-making officials in the Ministry of the Interior were rapidly replaced under the Hitler regime by fanatical adherents of Hitler. Therefore, all individuals who held policy-making offices in the Ministry of the Interior from 1933 to the collapse of the regime are guilty of the crimes for which the leaders are indicted. The Ministry of the Interior exercised authority over the police, and gave effect to the numerous repressive measures that were decreed against Nazi victims, which Ministry extended its jurisdiction to occupied areas under Nazi conquests. Guilt would attach not only to the successive ministers during this period, but to all the under-secretaries (Unterstaatsekretäre), ministerial counselors (Ministerialräte), ministerial directors (Ministerialdirigenten), and divisional chiefs (Referenten für bestimten Angelegenheiten), all of whom on their own authority and by virtue of their positions of responsibility in the Ministry of the Interior, gave effect to decrees and repressive measures in line with and in actuation of the Nazi policy. Persons ranking below the official levels just mentioned were, for the most part, permanent employees of the German Civil Service and were retained in office, if en masse they took the oath of allegiance to Adolph Hitler and were otherwise found to be politically reliable. These individuals, provided no specific crimes could be proved against them, in general were not responsible for the acts carried out in the Ministry of the Interior.

In view of the fact that Von Ribbentrop, Foreign Minister under Hitler, is being indicted for the furtherance of cromes committed by the Nazi regime, consideration must be given to the status of other important officials in the German Foreign Office during the period of the Nazi regime. During the years 1933 and 1934 the German Foreign Office was maintained by the Nazi Government, for the most

H1106-0108

H1106-0109

part, with the old line conservative officials in charge. This situation continued generally throughout the period during which Baron Von Neurath was Foreign Minister. However, after Von Ribbentrop became chief of the Foreign Office, the situation with regard to the policy officials was gradually changed. During Von Neurath's incumbency the German Foreign Office had not been coordinated, and little blame for acts of German foreign policy could be attributed to Von Neurath and his assistants during this period; though his continuation in office indicated his agreement with National Socialist aims, for which activities Von Neurath might easily adduce in his defense reasons of patriotic motive. His assumption, however, of the office of Protector of Bohemia and Moravia put him directly in the position of aiding and abetting the criminal aims and policies of the Fitler regime.

During this period members of the German diplomatic services were becoming more positively identified as agents of Nazi foreign policy. Notably among those are Franz Von Pappen, Minister to Austria, and subsequently Ambassador to Turkey; Von Stohrer, and others whose record of intrigue and machination on behalf of Hitler are matters of public record, and whose responsibility for the success of Hitler in diplomacy is established and whose participation makes them criminally liable.

By 1935, two years after the advent of the Hitler regime, there still remained in the Foreign Office individuals with the rank of divisional chief (Referenten für bestimten Angelegenheiten), who like Dr. Davidson, were "bureaucratic prisoners" and who hold their positions by virtue of their special qualifications and not on account of their adherence to the Nazi regime. The personal records of certain of these individuals will substantiate these facts; however, all officials under Von Ribbentrop with the rank of under-secretary (Unterstaatsekretäre), ministerial counselor (Ministerialräte), and ministerial directors (Ministerialdirigenten), were ardent Nazis, and had voluntarily adhered to the Hitlerian policies and are, therefore, criminally responsible for the acts of the German Ministry of Foreign Affairs during this period. Among these should be mentioned Herr Weissacker, lately at the Vatican.

Special mention must be made of the Protocol Division of the Foreign Office, all of which officials were ardent supporters of Hitler, as well as Herr Bohle, who fomented and directed Fifth Column activities in foreign countries. The Economic Division of the Foreign Office, after 1936, conducted the most sinister activities against foreign countries in furtherance of subversive activities of German agents abroad. In general, the so-called political "referenten" functioning in the Foreign Office during the Hitler regime were for the most part old line Foreign Service officials who might be classified under the heading of "bureaucratic prisoners".

What has been said above with regard to the responsibility of high officials in the Ministry of the Interior should here be repeated with reference to the responsibility of officials in the Ministry of Education. In fact, in no department of the German Government during the Hitlerian period was more fanaticism rampant than among the high officials of the Ministry of Education, particularly the Minister, Dr. Stückert. In this Ministry the State

H1106-0110

Secretaries (Staatsekretäre), the ministerial counselors (Ministerialräte), ministerial directors (Ministerialdirigenten), and the "referenten" were all active and ardent contributors to the furtherance of Nazi policy in the intellectual enslavement of the German people, the corruption of the schools, colleges and universities, the persecution of the Catholic schools, the persecution of the churches, the enthrallment of religion, the attacks upon the Catholic churches, the Catholic bishops, priests and nuns, the decrees under which non-Nazi educational and religious institutions were deprived of funds, etc., and the vast program for the dissemination of Nazi doctrine, not only throughout Germany, but in occupied areas, - all these and many more subversive and destructive measures were actuated on a vast scale by these officials. Similarly, through the tremendously powerful control exercised by the Ministry of Education of all the schools and churches of Germany, a vast hoard of accomplices was placed in strategic positions throughout the system of schools, colleges and universities to implement and give effect to the educational programs carried out in all educational institutions of the Reich. For the most part, directors of schools, high schools, academies, colleges and universities were fanatical adherents of the Nazi philosophy, and actively, administratively, and voluntarily gave effect to the policies of the Ministry of Education. The rectors of all universities who were still in their positions in 1936 were in some degree guilty of criminal action, and if not punished by terms of imprisonment, should at least be barred permanently from any office in Germany's educational future, and should be disbarred from the enjoyment of any pensions under the German Government. In the sifting of the records of thousands of professors, docenten and teachers, discrimination should be made on the basis of individual records and the evidence of their zeal in teaching Nazi doctrines. These persons, provided they are not otherwise proved to be guilty of felonies, should be disbarred permanently from engaging in teaching or from enjoying any pensions in the future.

As the urgency of the acquisition of strategic materials became increasingly important in the economic development of Hitler's Reich and the armament program progressed freely in the face of the international political situation, which appeared safe from foreign intervention by the spring of 1936 (the occupation of the Rhineland), the activities of the Ministry of Commerce became more thoroughly coordinated with the immediate aggressive program of the Nazi Government. Almost without exception the responsible positions in this Ministry were held by individuals, for the most part, experts in economic matters, who were committed voluntarily to the success of the Nazi program; and responsibility for carrying out the program of aggressive warfare rests upon all individuals in the Ministry of Commerce who occupied policy-making positions during the years 1936 to the end of the Hitler regime. This would include all persons with the rank of "referenten" and above. In this connection special mention may be made of Goering's chief assistant for economic matters, Dr. Helmuth Wohltat, last heard of in Japan, where he went as an important economic emissary. Employees of the Ministry of Commerce below the rank of "referenten" were retained in their positions upon taking the oath of allegiance to Adolph Hitler and if found otherwise politically reliable. Such persons, providing their records do not indicate they were guilty of specific crimes, would not be responsible

H1106-0111

for the work performed as employees of the Ministry of Commerce.

Finally, with regard to the administrative institutions of the German Government, mention should be made of the regular German police. German police officers on the whole were retained in their positions, and continued to perform their functions under certain limitations during the period of time that Germany was under Hitler. Few individual members of the German police force, particularly in the cities, were dismissed as being politically unreliable; but for the most part they continued to function. In carrying out their ordinary duties they were not allowed to interfere with the excesses of the S.A., the S.S., or the Hitler Youth, but far and wide even the Landjäger (provincial police) participated little, if any, in the Nazi program.

Similarly, no guilt is attached to those functionaries who carried out their duties in the thousands of police stations (Polizeiämter) all over Germany. Slight changes were made under the Hitler regime, and these individuals, who are all Civil Service employees, took the oath of allegiance to Adolph Hitler and, if politically reliable, continued to perform their duties, which for the most part had to do with keeping records of German citizens, births, deaths, marriages, etc. in their jurisdictions.

Several other administrations deserve mention on account of their aloofness as administrative bodies from any activities related to the carrying out of Nazi policies; namely, the Post Office Department (Postamt), National Railroads (Reichsbahm), and the Department of Sanitation (Gesundheitsamt). There is no evidence during the period in question that officials from the highest to the lowest, as well as the employees, did more than carry out their usual functions, which would not differ from those performed before the advent of the Hitler regime. These persons were all required, however, to take the oath of allegiance to Adolph Hitler and were investigated as to their political reliability; and unless crimes were proved against individual members, these persons should not be held responsible for their activities in the Government during the Hitler regime.

Insofar, however, as the Health Department (Gesundheitsamt) was involved in the Sterilization program of the Nazi regime and the extermination of imbeciles, insane and incurables, the guilty officials including doctors, attendants, guards and assistants should be punished on murder charges and dealt with according to the established code of laws governing crimes of this sort in force in civilized countries. These persons from the highest to the lowest should be dealt with as common criminals; so that these pseudo-theories of racial purification through inhuman murder be dealt a lasting knock-out blow for all time.

The punishment of those responsible under the Hitler regime for the corruption of the courts and the distortion of legal codes and procedure cannot be too strongly urged; as it was through control of the courts and the arbitrary procedures practiced therein that the National Socialists secured over the German people the most potent weapon of oppression and compulsion. The officials primarily responsible for the inauguration of the Nazi juridical system

were in the Ministry of Justice, which by the end of 1933 became completely coordinated. All policy-making officials of that department are guilty of crime, in that they turned the machinery of justice into a base political instrument of oppression and persecution, established procedures which were in violation of the natural rights of man, and sent many people to death and to punishments for deeds of which they were innocent.

All policy-making officials of the Ministry of Justice under Hitler are guilty of crimes which should be punished by long terms of imprisonment ranging from ten to thirty years; and should include successive Ministers of Justice under Hitler, all State Secretaries (Staatsekretäre), Under-State Secretaries (Unterstaatsekretäre), Ministerial Counselors (Ministerialräte), Ministerial Directors (Ministerialdirigenten), and Chiefs of Divisions (Referenten), as well as all Prosecuting Attornies (Staatsanwälte) charged with executive and administrative duties in the Ministry of Justice during the period 1933 to the end of the regime.

Great zeal and severity should be exercised in apprehending and bringing to justice those responsible for the administration and proceedings of the famed People's Court (Volksgericht), including the Presidents of the Court during its entire existence, all associate Justices (Assessoren) and the numerous prosecuting attornies (Staatsanwälte) who conducted the prosecutions. In view of the large number of illegal executions carried out by this Court, all ex-officials should be brought to trial and, with the establishment of their guilt and participation in the court proceedings, should be sentenced to death. All who participated in the administration of the Volksgericht, in the capacity of subordinate and minor employees should receive commensurate sentences of imprisonment according to the responsibility of the position held.

On the whole, outside of the Special Nazi summary courts and the dreaded Volksgericht, the regular courts of the Reich under Hitler continued to function, so far as the judges and magistrates were concerned, in accordance with accepted civilized standards of procedure. Both in the municipal and provincial courts, particularly in the higher courts (Landesgerichte) where appeals were heard, the course of justice moved relatively smoothly due to the traditional training of the judges who resisted, as far as possible, the political arguments of the Nazi prosecuting attornies and generally meted out substantial and fair justice. These courts dealt mostly with civil suits, felonies and misdemeanors in which political questions were not generally involved. It is, therefore, recommended that the functionaries of these courts, unless individual crimes are proved against them, be not included among criminals participating in Nazi excesses. However, all prosecuting attornies (Staatsanwälte) attached to all courts under Hitler were guilty of aiding and abetting miscarriage of justice, and should be punished according to their individual records and permanently disbarred from practicing before future German courts.

Provincial administration during the Hitler regime was under the immediate control of the various "Gauleiter" (Provincial Governors) who were high Nazi officials committed utterly and unconditionally to carrying out National Socialist policy. Their administrations in the provinces

H1106-0112

were organized to give effect and to carry out the mandates of the Central Government. These administrations were directed by officials who used force and illegal methods to carry out acts of suppression, persecution and extermination; though, for the most part, provincial officials of such organizations as the Gestapo, Propaganda Ministry, Arbeitsdienst, Arbeitsfront, etc. acted on direct orders from Berlin. They nevertheless had the Gauleiters' full cooperation; and in certain cases, as in Thuringia and in Franconia, the excesses of the Gauleiters exceeded those of the local representatives of the Berlin departments and agencies. Gauleiters share with the principal personalities (Goering, Himmler, Goebbels) of the Hitler regime full responsibilities for the crimes of persecution and aggression, and in certain cases should be punishable with death. All deputy Gauleiters and responsible administrators bear guilt to a degree meriting long terms of imprisonment. Since in the organization of the Gauleiters' administration only devout and fanatical Nazis were employed, the records of these individuals should be sifted for evidence of overt acts making them criminally liable. Some of the minor employees connected with the Gauleiters' administration should receive prison sentences; all others should be disbarred from public employment and pensions.

For the most part municipal and community organizations remained in the charge of local officials who took the oath of allegiance to Adolph Hitler and remained in civic offices provided they were found, from a National Socialist point of view, politically reliable. Except in the case of the Burgermeisters (mayors) of the large cities, these persons and their assistants should not be arraigned as war criminals. Individual records will reveal that certain burgermeisters committed crimes as Nazi enthusiasts in the performance of their regular work. Their employees, for the most part, were humble civil servants who carried out their duties obediently. The burgermeisters of the large cities, such as Berlin, Hamburg, Munich, etc., should be apprehended and dealt with according to the evidence obtained regarding their individual records. Certain of these will be found to be as violent in their cooperation in carrying out the policies of the Hitler regime as the most fanatical Gauleiters.

II.

All high functionaries of the Nazi Party are war criminals. For the most part these functionaries occupied other positions in the German Government - like Hitler, the Chancellor; Goebbels, the Propaganda Minister - and are responsible for their acts as governmental agents. However, such personages, as Hess, are guilty of crimes by virtue of their office in the Nazi Party; and as such are guilty in the highest degree of complicity in the extensive crimes committed by the National Socialist regime of Hitler.

On the other hand, the several million members of the National Socialist Party could not be considered as war criminals on the grounds of their having become members of the Party and of their having supported it by their adherence and financial contribution. Thousands of individuals throughout the Reich were under compulsion, for the sake of livelihood or business, to become Party members. It is, therefore, recommended that membership alone in the Nazi Party, in the absence of proved overt criminal acts,

H1106-0113

be not apprehended and punished in any degree as war criminals. However, numerous Party members used their affiliation and prestige as National Socialists to wrest illegally property from Jews and other victims of Nazi aggression. Evidence as to the individual records of such persons should be carefully gathered, and where assets exist, restitution should be made and the claims of victims entertained and satisfied against malefactors. All members of the Nazi Party should be disbarred from holding any kind of public office or semi-public office for life. Where on account of compelling expediency such persons have been continued in public office, they should be replaced and disbarred without delay.

III.

As the basic support of the Hitler regime was derived from the great industrialists (Industrielen), measures must be taken to place these persons in positions in which they will be unable to use their influence, experience and abilities in effecting the resurgence of a powerful industrial Germany. The active participation of these great industrialists in building up the German war machine, through which Hitler's aggression became possible, makes them liable to a certain degree as accomplices in Hitler's crime; as, for instance, the high officials of the I.G. Farben, of which Dr. Ilgner is the prototype. These persons should be brought to justice on the basis of their individual records; and if not punished for crimes based upon the evidence of overt acts (international negotiations; establishment of cartels; secret economic and technical arrangements to the injury of the Allied war effort, etc.), should be retired from important enterprises and prevented from future participation in industrial activity.

Many of the most powerful Junkers have been expropriated through the loss of territory to Poland and Russia. However, certain of these powerful landowners still remain in parts of Germany, and their individual records with regard to the support of the Hitler regime should be closely examined and evidence of their complicity obtained. Where guilt is proved, provided they are not to be charged as war criminals, as officers of the Army or Navy, or functionaries of the Hitler regime, they should be heavily fined and reduced to an economic state of impotence, rendering impossible the maintenance of the privileged position enjoyed under the Hitler regime.

Investigations should be made as to the means of acquiring businesses and properties owned by Jews previous to the advent of Hitler. All persons holding such properties should be expropriated, and the properties restored either to the rightful owners or, in the absence of such rightful owners, confiscated as objects of value, the proceeds of which may be used for reparation purposes or for funds to liquidate claims of former victims against the Hitler regime. Many of these victims are now American citizens, and have legitimate claims for property losses against the future German Government.

Investigations should be made generally throughout Germany with respect to the degree of complicity in furthering Hitler's war aims by leading authorities, businessmen, economists, professors and experts in the semi-public trade

H1106-0114

and commodity organizations established throughout the Reich. Chief among these are the various chambers of commerce (Handelskammer) established in the principal cities of Germany. These organizations became completely Nazified, were instruments of the National Socialist Party, and gave effect authoritatively to economic, commercial and trade measures decreed by the Berlin authorities in order to prepare and consummate the German economic apparatus for aggressive war. The presidents and secretaries, as well as boards of directors, were accomplices in this scheme. These persons should be arraigned, their complicity established, and appropriate sentences of from one to five years in prison should be given. Likewise, the administrators and directors of the commodity organizations, as, for example, the Association of Steel Manufacturers (Stahlverein), should be brought to justice. Their activity in connection with the furtherance of the Hitler regime should be investigated, and for their complicity they should be appropriately punished, either with prison sentences or fines, or both. These industrialists, experts, professors, etc. should be disbarred from membership or participation in any future German trade associations.

Finally, investigation should be made into the complicity with the Hitler regime involved in the various miscellaneous associations (Vereine, Verbände, etc.), which served as organizational vehicles for the dissemination of Nazi policy. These include especially sport organizations, which cooperated directly with Jämer-Osten, the Nazi sport leader under Hitler. A certain degree of complicity will be proved against the leaders of many of these organizations, which for the most part should be disbarred. Such organizations should be allowed to develop in a future Germany on an entirely new basis in harmony and in accordance with democratic processes. Actual leaders of patriotic societies, such as the Karl Schurz Gesellschaft and the Steuben Gesellschaft, should be brought to account for acts in perverting the high aims of these societies to the base aims of the Hitler regime. With rare exceptions, existing German societies should be liquidated, including social, educational, scientific, musical, sport, patriotic, and welfare organizations; as the existence of these societies with their present leaders menaces the future orientation of Germany toward democratic commonwealth. The records of persons heading these societies under the Hitler regime should be investigated and evidence establishing complicity should lead to appropriate punishment.

Signed: G.S. Messersmith

Signed: Raymond H. Geist

Subscribed and sworn to
before me, William L. Brewster
Vice Consul of the United States
of America, duly commissioned
and qualified,
in Mexico, D.F., Mexico,
this 29th day of August, 1945

Signed: William L. Brewster
Vice Consul of the United States
of America

Service No.6748
Tariff No. 38
No fee prescribed.

H1106-0115

TRANSLATION OF DOCUMENT 2460-PS
OFFICE OF U S CHIEF OF COUNSEL

AFFIDAVIT

I, Rudolf Diels, being duly sworn, declared:

When Hitler came into power on 30 Jan 1933 I was the chief of the political police at Berlin. On 26 Apr 1933 Goering founded the secret state police, and I was nominated as deputy leader of the Gestapo. Most of my orders were given to me personally by Goering. Goering told me my main task was to eliminate political opponents of national socialism and Hitler. The most important task was the fight against communism. Because of the interference of the SA and because of the whole revolutionary development during the course of 1933, all police forces including the Gestapo had to work mostly as a normalizing and legalizing agent, and had to fight more strongly against SA excesses than against the communists themselves. This condition changed complete ly at the beginning of 1934. The wild arrests of the SA were annulled again toward the end of 1933, and the Gestapo started to investigate the cases of people still in prison under protective custody to see if they could be accused of high treason. These intentions were interrupted when Himmler was made the chief of the entire Prussian police and Heydrich Chief of the Gestapo. Himmler immediately started the reorganization of the police as he had already done in the other states. In the field of the political police he introduced the SD in Prussia, a purely SS organization which Goering had not permitted so far. The Gestapo was now extended over all of Germany, and Heydrich discharged radically the old officials and replaced them with reliable Nazis and SS officers. He started immediately to make up for what in his opinion had been neglected; he again filled up the jails and concentration camps and organized the purge of 30 Jun 1934. From now on the Gestapo is responsible for all deprivations of freedom and breaches of law and killings in the political field which took place without court verdict. Of primary importance among these was the shooting of numerous persons who had been committed to jails by the courts and then shot supposedly because of resistance. Many such cases were at that time published in the papers. For people guilty of immorality such illegal shootings became the rule. As for deprivation of freedom, there was no legal reasons anymore for protective custody orders after 1934, which had still been the case before that date, since from 1934 on the power of the totalitarian state was so stabilized that the arrest of a person for his own protection was only an excuse for arbitrary arrest - without court verdict and without legal measures for him. The terroristic measures, which led to the development of the pure force system and punished to an increasing degree each critical remark and each impulse of freedom with the concentration camp, took on more and more arbitrary and cruel forms. The Gestapo became the symbol of the regime of force. Fear of it ruled everybody, especially because of the tortures connected with the arrests. From the events which caused me to tend my resignation I recognized that the Gestapo was developing as the willing executor not only of Hitler's orders but also of his wishes. Hitler had ordered me to the Obersalzberg in January 1934 and told me in the presence of Goering that some "traitors" had to disappear. From his words I had to infer the order to remove Strasser (Gregor), Schleicher, and other persons. Since I had not done anything to execute this order about a week, Goering informed me that he would accept my resignation, which had already been tended earlier, and that he wanted to subject the Prussian police to Himmler and Heydrich. The above named persons and many others were killed on 30 June 1934.

/s/ R. DIELS.

H1106-0116

Before me appeared on the 31st October 1945 the undersigned trustworthy personality, Mr. Rudolf DIELS, whom I know personally and who declared under oath that he had the opportunity to write and to read carefully the two previous pages signed by him and that the contents and facts are true and without mistakes.

/s/ Robert G. Stephens, Jr.
Major, Infantry
U.S. Army
Offices of the U.S. Chief
of Counsel
Nurnberg, Germany.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO.2460-PS

6 November 1945.

I, FRED NIEBERGALL, 2nd Lt Inf, O-1335567, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of Document No.2460-PS.

FRED NIEBERGALL
2nd Lt Inf
O-1335567.

H1106-0117

H1106-0118

TRANSLATION OF Doc. No. 2472-PS
OFFICE OF U. S. CHIEF OF COUNSEL

AFFIDAVIT: RUDOLF DIELS

Immediately after the seizure of power, for several months Hitler stuck to the principle of legality. Also the SA, the fighting troop of the NSDAP, retained strict discipline in this span of time, although collisions with the Communists were a thing of the past. After the Reichstag fire and after the newly elected Reichstag had handed over the sole and complete power to Hitler in the enabling act, the SA no longer recognized any limitations.

In conjunction with the prohibition of parties, especially of the Communist Party, Hitler gave the command for the arrest of leading Communists; cases should be made against these Communists for high treason. The police, however, did not succeed in carrying out these arrests, for the SA in the whole country had gotten ahead of the police. It not only arrested these Communists but also, far and beyond this circle, dragged members of the Social Democratic, the Democratic and Central Parties into prison. Also thousands of harmless Communists were arrested. When the police dismissed those arrested after a short interrogation, the SA went so far as to erect their own prisons and concentration camps. When the police proceeded against these arrests of the SA and lifted them by force in many cases, those who were let out were again robbed of their liberty by the SA and in many cases were hidden from the police. At this time there originated the "Heldenkeller", the secret dungeons of the SA. The prisoners were mistreated in many cases by whippings, a few were killed. The conduct of the SA forced the police in many cases to take the persons into protective custody (Schutzhaft). In doing this there was no pretense of an arbitrary deprivation of liberty. But in the greatest quantity of the cases these measures served as a personal protection for the person aggrieved against the excesses of the SA. During these revolutionary months the SA leaders were more powerful than the Gau leaders. They also refused obedience to Goering who attempted to create order and as leader of the police proceeded against excesses and mistreatments. For the arbitrary arrests of the year 1933 the SA Fuehrers, who misled their SA men into this business, are responsible.

The arbitrary arrests by the SA lessened in number toward the end of the year 1933 because the police were able to carry on more strongly and because the SA itself had admitted many Communists, Social Democrats, and Democrats into its ranks.

In the course of the year 1933 the political police had more to do with the excesses of the SA than with the fighting of Communists. I can name numerous persons who as members of the political police at that time can testify to this. Because of their opposition to the SA, these persons were discharged from their offices when Heydrich and Himmler took over the Prussian police.

The political police of Prussia in January 1934 laid before Hitler a memorandum about the excesses of the SA in the year 1933 with the proposal that a case be made against the SA Fuehrers named therein. Hitler did not do that but charged Himmler, who had been employed as chief of the police by Goering, to kill these SA Fuehrers without legal procedure. That occurred on the 30th of June 1934.

H1106-0119

Because many people had been arbitrarily placed in prisons and concentration camps by the past acts of the SA, the Prussian political police at that time, which still had no national socialist garb and nothing to do with the SS, urged mass discharges. After long negotiations Hitler decided in December 1933 to decree an amnesty for such persons who could not be prosecuted for high treason. From about 30,000 persons around 25,000 were discharged. From about 30 concentration camps, so far as I remember, 2 remained - (Oranienburg und Papenburg).

(signed) R. DIELS

Before me, the undersigned authority, on this 31st day of October, 1945, personally appeared RUDOLF DIELS known to me, who on oath stated that he had written and carefully read the foregoing four pages signed by him and that the matters and facts therein stated are true and correct.

(signed) Robert G. Stephens, Jr.
ROBERT G. STEPHENS, JR.
Major, Infantry
U. S. Army
Office of U.S. Chief of Counsel
Nurnberg, Germany
RGS Jr.

- - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2472-PS

3 November 1945

I, WILLIAM G. REITZER, 2nd Lt., FA, O-1185952, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2472-PS.

WILLIAM G. REITZER
2nd Lt., FA
O-1185952

H1106-0120

TRANSLATION OF DOCUMENT 2487-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Völkischer Beobachter, (People's Observer), Berlin Edition, 14 July 1934

Extract from Hitler's Speech to the Reichstag.

(Beiblatt, p. 2): "In this hour I was responsible for the fate of the German people."

* * * * *

- - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2487-PS

---

17 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2487-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

PARTIAL TRANSLATION OF DOCUMENT 2491-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Deutsche Juristen Zeitung, (German Lawyers' Journal), 1935, published by Dr. Carl Schmitt, Provisional Editor-in-Chief, Dr. Karl Lohmann, Column 618/619.

Extract from the "Legal Review" (Juristiche Rundschau).

---

* * * * *

3. The decision.

"Once again the Court had to decide on the question of whether political measures could be subject to the review of the ordinary courts.----The case in question concerned the official performance of his duty by the official of the NSDAP----The principle of the importance and the mission of the Party and its "sovereign functionaries" cannot be overlooked. Therefore, the plaintiff should have been denied the right to be in court."

* * * * *

- - - - - - - - - - - - - - - -

CERTIFICATE OF PARTIAL TRANSLATION
OF DOCUMENT NO. 2491-PS

17 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct partial translation of Document No. 2491-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

H1106-0121

H1106-0122

TRANSLATION OF DOCUMENT 2494-PS
OFFICE OF U.S. CHIEF OF COUNSEL

"Völkischer Beobachter (People's Observer)
Berlin Edition, 23/24 July 1933, p. 1.

Prime Minister Goering's Press Conference.

---

* * * * *

"Whoever in the future lifts his hand against a representative of the National Socialistic movement or of the State, must know that he will lose his life in a very short while. Furthermore, it will be entirely sufficient, if he is proven to have intended the act, or, if the act results not in a death, but only in an injury.

* * * * *

- - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2494-PS

17 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2494-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

TRANSLATION OF DOCUMENT 2496-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Das Archive, July 1934, p. 495, published by Verlagsanstalt Otto Stolberg, Berlin.

Extract from Goering's address to the Public Prosecutors of Prussia on 12 July 1934.

* * * * *

"The action of the Government in the days of the Roehm revolt was the highest realization of the legal consciousness of the people. Later the action which itself was justified, now has been made legal by the passage of a law."

* * * * *

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2496-PS

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2496-PS.

LUDWIG HARTMAN,
T/4, ASN 37446052

H1106-0123

TRANSLATION OF DOCUMENT NO. 2499-PS
OFFICE OF U. S. CHIEF OF COUNSEL

Berlin
March 15, 1935

Prussian Secret State Police

The Deputy Chief and Inspector

File No. A 3522 III 3 A 1 - 270

Please refer to file number

To

Mr. Kempner, Superior Government
Counselor (rtd)
Berlin

Order of Protective Custody

Based on Article 1 of the Decree of the Reich President for the Protection of People and State of 28 February 1933 (RGBL I, p 83), you are taken into protective custody in the interest of public security and order.

Reason: Suspicion of activities inimical toward the State.

By order
Dr. Potschowsky

Authenticated
Burger
Secretary of Criminal Section

Form 3. Jan. 5, 1935 - 300.

- - - - - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2499-PS

Nov. 18, 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2499-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

H1106-0124

TRANSLATION OF DOCUMENT NO. 2533-PS
OFFICE OF US CHIEF OF COUNSEL

Zeitschrift der Akademie fuer Deutsches Recht,
1936, pp. 141-142.
(Journal of the Academy for German Law)

Extract from an article on "Legislation and Judiciary in the Third Reich," by Minister Dr. Hans Frank, President of the Academy for German Law.

---

* * * * *

"To the world we are blamed again and again because of the concentration camps. We are asked, 'Why do you arrest without a warrant of arrest?' I say, put yourselves into the position of our nation. Don't forget that the very great and still untouched world of Bolshevism cannot forget that we have made final victory for them impossible in Europe, right here on German soil."

* * * * *

- - * - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2533-PS

16 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2533-PS.

LUDWIG HARTMAN
T/4, ASN 37446052.

H1106-0125

H1106-0126

TRANSLATION OF DOCUMENT 2543-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Nationalsozialistische Monatshefte
(National Socialist Monthly), Issue 46,
Published by Frz Eher Nachf, G.M.B.H., Munich,
January 1934, p. 10.

Extract from a contribution of the Reichsführer-SS Heinrich Himmler, in "The Mission of the SS"
(Die Aufgabe der SS)

---

* * * * *

"We are confronted with a very pressing duty--both the open and secret enemies of the Fuehrer and of the National Socialist movement, and of our National revolution must be discovered, combatted and exterminated. In this duty we are agreed to spare neither our own blood nor the blood of anyone else when it is required by our country."

* * * * *

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2543-PS

16 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2543-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

H1106-0127

TRNASLATION OF DOCUMENT 2544-PS
OFFICE OF U S CHIEF OF COUNSEL

I, Rudolf DIELS, 45 years of age, testify under oath as follows: When Hitler became Chancellor of the Reich on January 30th 1933, I was a Superior Government Councillor (Oberregierungsrat) in the police section of the Prussian Ministry of Interior. There I was in the section: Political Police. Therfore I know the happenings within the police, as they occured during the time after Hitler's seizure of power, from my own experience.

When Hitler became Chancellor of the Reich, Hermann Goering became provisional (Kommissarischer) Prussian Minister of the Interior and thereby my superior. As such he was the head of the centralized Prussian police administration. This organization constituted the strongest power (Machtfaktor) aside from the army.

The perfectly primitive Nazi conception of the conduct of a state was, that one had to annihilate or render harmless all adversaries or suspected adversaries. The inferiority complex of the Nazis towards everything they did not know, e.g. legal institution, experts and so on has much to do with that.

As for that, it was a natural matter for the new Nazi Government and the party, which had come into power, to annihilate their adversaries by all possible means. These actions started after the REICHSTAG fire. They were executed by various party groups, especially by the SA; for such criminal purposes the government also tried to make the most of certain official government agencies. The methods applied were as follows: HUMAN beings, who deprived of their freedom subjected to severe bodily mistreatment or killed. These illegal detentions (Freiheitsberaubungen) took place in camps, often old military barracks, stormtroop quarters of fortresses. Later on these places became known as concentration camps, such as Oranienburg, near Berlin, Lichtenburg, Papenburg, Dachau in Bavaria, Columbiahouse Berlin, etc.

During this period of time, numerous politicians, deputies, writers, doctors, lawyers and other personalities of leading circles were arrested illegally, tortured and killed. Among the killed, there were the Social Democrat STELLING, ERNST HEILMANN, the former Police President of Altona OTTO EGGERSTEDT, the communist Schehr from the RHUR territory, and numerous parties and denominations, amongst them Conservatives, Democrates, Catholics, Jews, Communists and Pacifists.

These murders were comonflaged by the expression: "shot while trying to escape" or "resisting arrest" or similar things. Approximately 5-700 people perished during this first wave of terror (from March until October 1933approximately).

I myself and my co-workers, old civil servants Not-Nazis, tried to resist this wave of terror.

There was no legal possibility left any more, to undertake anything in order to stop these illegal arrests, because the Reich Cabinet had suspended Civil Rights by decree of February 28th 1933. On account of this fact, it was also impossible for the inmates of the concentration camps to appeal to any court. Such a state of affairs had never existed before, not even during extraordinary times. The word "protective custody" as used at that time for concentration camps etc. was an irony. There were a few cases of real protective custody, in which I put people behind safe walls, in order to protect them against terrible excesses.

The number of illegal cases attained on ever-increasing extent. When Heinrich Himmler took over the reins of power as the highest Chief of police in Prussia under Goering, these actions were really organized by the State proper. The first, great, STATE- ORGANIZED terror project

H1106-0128

under his leadership was the blood purge of June 30th 1934, at that time SA leaders, Generals, leading Catholics and others were murdered. He also arrested people again, who had been released from concentration camps before that time. This at a time, when actually a certain tranquillity in the country had set in already.

Read by myself, approved
signed and sworn to:
signed in the presence of:

(signed) RUDOLF DIELS
(signed) Robert M.W. Kempner
DR. ROBERT M.W. KEMPNER
EXPERT Consultant for the Judge
Advocate General

sworn to in the presense of:

(signed) William E. Miller
WILLIAM E. MILLER
1st Lt. J.A.G.D.

Nov. 13 1945

CERTIFICATE OF TRANSLATION
OF DOCUMENT 2 544-PS

I, PAUL W. FREEDMAN S/Sgt 33799122, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2544-PS

PAUL W. FREEDMAN
S/Sgt 33799122

TRANSLATION OF DOCUMENT 2545-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Volkischer Beobachter, (People's Observer)
Berlin Edition, No. 182/183, of 1-2 July
1934, p. 1.

Headlines: "The cleaning up act of the Fuhrer is completed throughout the Reich."

"The leader returns to Berlin after stamping out treasonous activities and is greeted everywhere very enthusiastically. Sharp orders and regulations issued for all SA and other political leaders."

Item: "Seven SA leaders shot--the end of the proven traitors."

Obengruppenfuhrer	August Schneidhuber
"	Edmund Heines
Gruppenfuhrer	Karl Ernst
Obengruppenfuhrer	Wilhelm Schmid
"	Hans Hayn
"	Hans Peter Heydebreck
Standardfuhrer	Hans Irwin Graf Spreti

- - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2545-PS

16 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2545-PS.

LUDWIG HARTMAN
T/4, 37446052

H1106-0129

H1106-0130

PARTIAL TRANSLATION OF DOCUMENT NO. 2548-PS
OFFICE OF U. S. CHIEF OF COUNSEL

1934 REICHSGESETZBLATT PART I PAGE 341

Law about changing the Rules of Criminal Law and Criminal Procedure of 24 April 1934.

Gesetz zur Anderung von Vorschriften des Strafrechts und des Strafverfahrens. Vom 24 April 1934.

ARTICLE 82

"Whoever conspires verbally in a treasonable act (Arts. 80, 81) is subject to punishment by the death penalty, life imprisonment or penitentiary of not less than five years.

* * * * *

ARTICLE 83

"Whoever purposely suggests or incites a treasonable act is subject to punishment by a sentence of not more than ten years in a penitentiary.

"The same punishment applies to people who propose a treasonable act in any other manner.

"Death penalty or life imprisonment or penitentiary of not less than two years may be imposed if the act involves:

"1. A Preparation for the act of treason by creating or organizing a party or continuing an existing one.

* * * *

"3. The influencing of the masses by the manufacture or distribution of pamphlets, sound recording or pictures or by use of wireless telegraphy or telephone .....

"4. ..... If committed abroad or if the penetrator has undertaken to import such pamphlets, sound recordings or pictures for distribution within the country."

Berlin 24 April 1934.

The Reich Chancellor

ADOLF HITLER

The Reich Minister of Justice simultaneously for the Reich Minister of the Interior

Dr. Guertner

The Reich Minister of Defence

von Blomberg

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2548-PS

I, Pvt. Mark S. Schafer, 42090012, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 2548-PS.

MARK S. SCHAFER
Pvt., 42090012

H1106-0131

TRANSLATION OF EXCERPT OF DOCUMENT 2549-PS
OFFICE OF U.S. CHIEF OF COUNSEL

"DOCUMENTS OF GERMAN POLITICS"

(Dokumente der deutschen Politik)

Edited by -
Reg. Rat Paul Meier - Benneckenstein

Vol. 3

" GERMANY'S ROAD TO FREEDOM "

(Deutschlands Weg zur Freiheit)

1935
Compiled by
Dr. Axel Friedrichs

1937
Publishers Junker & Duennhaupt Berlin

Page 305 - line 9

A law which orginates from the rule: Nulla poena sine lege regards only such an action as illegal which violates an existing clause of a punitive law. Whatever is not forbidden and threatened with punishment is to be considered to be permissible. Such a law follows from the conception of formal wrong. National Socialism substitutes for the conception of formal wrong the idea of factual wrong: it considers every attack against the welfare of the people's community, every violation of the requirements of the life of a nation as a wrong. Therefore wrong may be committed in the future in Germany even in cases when no law threatens it with punishment. Even without the threat of punishment every violation of the goals of life which the community sets up for itself is a wrong. As a result, the law gives up all claim to be an exclusive source for the determination of right and wrong. What is right may be learned aside from the law from the thought about right which stands behind the law and may not have found a perfect expression in it. The law certainly continues to be the most important source for the determination of the right; because the leaders of a people announce their will in the law. However, the legislator is aware of the fact that he cannot give exhaustive regulations for all the situations in life; therefore he entrusts the judge with filling the remaining gaps. May be I can best explain our concept to you by means of a timile: as the commander-in-chief conducts a battle with his orders, in the same way the legislator conducts the fight against crime by means of the punitive code. Every commander-in-chief will be faced with situations in which he has to trust that his subordinate leaders, within the frame of the entirety of his intentions, will supplement his will by individual orders which they have to give independently, even if within the frame of the whole. In such situations the commander-in-chief will give one order only: Act according to the situation! Similarly, the legislator will find situations in life in which he has to trust that the judge will make the right decision by himself within the frame of the entirety of the goals which were set by the legislation. In such cases in the fight against the criminal, the legislator can give one order only to the judge on the way: Act according to the situation.

H1106-0132

He can give to the judge only the assignment to find the punishment which he deems to be appropriate when he directs his glance upon the whole and when he interprets the existing regulations not literally but according to their spirit and basic thoughts.

CERTIFICATE OF TRANSLATION OF EXCERPT
OF DOCUMENT 2549-PS

16. November 1945

I, WILLARD E. SKIDMORE, Lt (jg), USNR 391590, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Excerpt of Document 2549-PS.

WILLARD E. SKIDMORE
Lt (jg)
USNR 391590

H1106-0133

PARTIAL TRANSLATION OF DOCUMENT NO. 2550-PS
OFFICE OF U. S. CHIEF OF COUNSEL

1939 REICHSGESETZBLATT PART I PAGE 1841.

Law on the modification of rules of general criminal procedure, of the criminal procedure of the Armed Forces and of the book on penal law of 16 September 1939.

Gesetz zur Aenderung von Vorschriften des allgemeinen Strafverfahrens, des Wehrmachtstrafverfahrens und des Strafgesetzbuchs. Vom 16. September 1939.

ARTICLE 3

(1) "The Reich Attorney may, within one year after a decree in a criminal case has become final, enter a protest, if he deems a new trial and decision necessary because of serious doubts concerning the correctness of the decision.

(2) "As a result of this protest, the special penal chamber of the Supreme Court decides the matter anew.

* * * *

ARTICLE 4

(3) "The members of this special penal chamber and their substitutes are appointed for two years by the Chancellor and Fuehrer upon the recommendation of the Minister of Justice."

* * * *

Berlin 31 August 1939.

The Reich Minister of Economic Affairs.

As deputy

Dr. Landfried
The Reich Minister of the Interior

As deputy

Pfundtner.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2550-PS

I, Mark S. Schafer, Pvt, 42090012, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 2550-PS.

MARK S. SCHAFER
Pvt., 42090012

H1106-0134

PARTIAL TRANSLATION OF DOCUMENT NO.
OFFICE OF U S CHIEF OF COUNSEL 2552-PS

From: Zeitschrift der Akademie fuer Deutsches Recht, 2nd year, 1935 No. 3, March 1935, p.89, 2nd paragraph

The National Socialist State is a totalitarian state. As a totalitarian state, it makes no concessions to criminals; it does not negotiate with them, it stamps them out.

Dr. Hans Frank

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2552-PS

16 November 1945

I, P.f.c. Ernst M. Cohn, 33925738, U.S.Army, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the indicated excerpt from Document No. 2552-PS.

P.f.c. Ernst M. Cohn
U.S. Army

H1106-0135

TRANSLATION OF DOCUMENT 2554-PS
OFFICE OF U.S. CHIEF OF COUNSEL

1933 REICHSGESETZBLATT, PART I, PAGE 151

Law concerning the Adjudication and Execution of Death Penalties
of 29 March 1933

Gesetz über Verhängung und Vollzug der Todesstrafe
vom 29 März 1933

The Government of the Reich has issued the following law which is hereby proclaimed:

Section 1

Section 5 of the Decree of the Reich President for the protection of the people and the State of 28 February 1933 (Reich Legal Gazette I, p. 83) applies also to acts committed during the period from 31 January to 28 February 1933.

Section 2

If anyone is condemned to death for a crime against public security, the Government of the Reich or of the State, through whose authorities the sentence is to be carried out, can order that the execution be carried out by hanging.

Berlin, 29 March 1933.

The Chancellor of the Reich
Adolf Hitler

For the Reich Minister of Justice

The Reich Chancellor's Deputy
von Papen.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2554-PS

17 November 1945.

I, ENID M. STANDRING, PO, WRNS, 52012, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. 2554-PS.

ENID M. STANDRING,
PO, WRNS,
52012.

TRANSLATION OF DOCUMENT NO. 2572-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Das Dritte Reich (The Third Reich)
Volume II, Editor Gerd Ruehle, published
by Hummelverlag, Berlin, p. 247.

Extract from Hitler's speech to the Reichstag
on 13 July 1934, concerning the events of
30 June 1934.

---

* * * * *

"The punishment for these crimes was hard and severe. There were shot 19 higher SA leaders, 31 SA leaders and SA members and also 3 SS leaders as participants in the plot. Also 13 SA leaders and civilians who tried to resist arrest and were killed in the attempt. Three others committed suicide. Five members of the Party who were not members of the SA were shot because of their participation. Finally, 3 SS members were at the same time exterminated because they had maltreated concentration camp inmates."

* * * * *

- - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2572-PS

16 November 1945

I, LUDWIG HARTMAN, T/4, ASN 37446052, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document 2572-PS.

LUDWIG HARTMAN
T/4, ASN 37446052

H1106-0136

Dr. Wilhelm Hoettl, being duly sworn, declares:

It was the task of the SD to inform its chief Himmler and through him the Nazi Regime about all matters within Germany, the occupied countries, and the other foreign countries. This task was carried out in Germany by the Department III - Information Service for Germany proper - and abroad by Department VI - Foreign Information Service. In the occupied countries things ran in a different manner - in some of them there was only Department VI, and again in others both. (This is true only as far as the information service is concerned). Since 1944 there was within the framework of the RSHA the Department MIL, which concerned itself with the military information service abroad. It was also subordinate to the chief of Department VI.

For the tasks in Germany proper the Department III had organized a large net of informers who operated out of the various regional offices of the SD. This organization consisted of many hundreds of professional SD members who were assisted by thousands of honorary SD members and informers (Vertrauenspersonen). These informers and honorary collaborators of the SD were placed in all fields of business, education, state and party administration. Frequently they performed their duties secretly in their organizations. This information service reported on the morale of the German people, on all the important events in the state, as well as on individuals.

In this information service there were also many decent people who believed that by their work they could contribute by eliminating bad elements and conditions in the Third Reich. They had but little success because the Department III aimed mainly at having only 100% Nazis in all leading positions and they fought everybody else viciously. For that reason many persons who were hostile toward the Hitler regime could not keep their positions. That strengthened this system. In some State organizations the SD had decisive influence in the rating of the officials.

Group III in Department III was concerned with questions of nationalities, of national minorities and of the public health. This group - in my opinion - is co-responsible for the radical attitude in Germany toward the national minorities such as Czechs, Poles, as well as the arrogance in relation to other nations, especially in the East.

The Gestapo was the special executive organization which the Hitler Regime used against its political and ideological opponents. Himmler tried to merge the Gestapo, which was an organization of the state, with the SD, which was an organization of the Party. In some fields - for instance in the questions of the national minorities - there existed already a close cooperation between the Gestapo and the SD.

As a result of the grant of power given to the Gestapo by Hitler, the Gestapo was enabled during the course of the years to discover and destroy all types of opponents of the Nazi leadership. In my opinion the Gestapo was one of the strongest tools in the possession of Hitler and the Nazi Regime for the purpose of domination of the German people and the suppression of the occupied countries.

Subscribed and sworn to before me this 5 November 1945.

/s/ Whitney R. Harris
Lieut., U.S. Naval Reserve

/s/ Dr. Wilhelm Hoettl

H1106-0137

- - - - - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2614-PS

7 November 1945.

I, WOLFGANG E. THORMANN, M/Sgt., 33779426, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. 2614-PS.

WOLFGANG E. THORMANN
M/Sgt., 33779426.

H1106-0138

Dr. Wilhelm Hoettl, being duly sworn, declares:

It was the task of the SD to inform its chief Himmler and through him the Nazi Regime about all matters within Germany, the occupied countries, and the other foreign countries. This task was carried out in Germany by the Department III - Information Service for Germany proper - and abroad by Department VI - Foreign Information Service. In the occupied countries things ran in a different manner - in some of them there was only Department VI, and again in others both. (This is true only as far as the information service is concerned). Since 1944 there was within the framework of the RSHA the Department MIL, which concerned itself with the military information service abroad. It was also subordinate to the chief of Department VI.

For the tasks in Germany proper the Department III had organized a large net of informers who operated out of the various regional offices of the SD. This organization consisted of many hundreds of professional SD members who were assisted by thousands of honorary SD members and informers (Vertrauenspersonen). These informers and honorary collaborators of the SD were placed in all fields of business, education, state and party administration. Frequently they performed their duties secretly in their organizations. This information service reported on the morale of the German people, on all the important events in the state, as well as on individuals.

In this information service there were also many decent people who believed that by their work they could contribute by eliminating bad elements and conditions in the Third Reich. They had but little success because the Department III aimed mainly at having only 100% Nazis in all leading positions and they fought everybody else viciously. For that reason many persons who were hostile toward the Hitler regime could not keep their positions. That strengthened this system. In some State organizations the SD had decisive influence in the rating of the officials.

Group III in Department III was concerned with questions of nationalities, of national minorities and of the public health. This group - in my opinion - is co-responsible for the radical attitude in Germany toward the national minorities such as Czechs, Poles, as well as the arrogance in relation to other nations, especially in the East.

The Gestapo was the special executive organization which the Hitler Regime used against its political and ideological opponents. Himmler tried to merge the Gestapo, which was an organization of the state, with the SD, which was an organization of the Party. In some fields - for instance in the questions of the national minorities - there existed already a close cooperation between the Gestapo and the SD.

As a result of the grant of power given to the Gestapo by Hitler, the Gestapo was enabled during the course of the years to discover and destroy all types of opponents of the Nazi leadership. In my opinion the Gestapo was one of the strongest tools in the possession of Hitler and the Nazi Regime for the purpose of domination of the German people and the suppression of the occupied countries.

Subscribed and sworn to before me this 5 November 1945.

/s/ Whitney R. Harris
Lieut., U.S. Naval Reserve

/s/ Dr. Wilhelm Hoettl

H1106-0139

H1106-0140

- - - - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2614-PS

7 November 1945.

I, WOLFGANG E. THORMANN, M/Sgt., 33779426, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. 2614-PS.

WOLFGANG E. THORMANN
M/Sgt., 33779426.

H1106-0141

PARTIAL TRANSLATION OF
DOCUMENT NO. 2639-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Ordinances by the Führer's Deputy

Anordungen des Stellvertreters des Führers

Confidential

Vertraulich

Compilation of all ordinances by the Fuhrer's Deputy, promulgated up to 31 March 1937 and still effective.

Zusammcustellung aller bis zum 31 März 1937 ereasseu und noch Gultigen Anordnungen des Stellvertreters des Führers.

1937
Central Publishing House of the NSDAP, Franz Eher, succ., Munich

Zentralverlng der NSDAP, Franz Eher, Nachf, Muenchen.

Page 190:

Ordinance No. 184/35

Based on the "Law against treacherous attack against State and Party, and for the protection of the Party uniform," of 20 December 1934, all those punishable acts, which comprise an attack against the party, its leader or its institution, were presented to the Führer's deputy by the Reichminister for Justice for a political, joined decision.

The Führer's deputy has made use of his right of assisting of reading a decision, especially, because he wants to be sure, that it is prevented, that miscreants go to jail for months for every small crime and because that a second law for the protection of the republic would be created by such action.

Although it must absolutely be prevented that martyrs are created, one must take merciless action against such people, in whose attacks a bad character or attitude, decisively inimical to the State, can be recognized. For this purpose, I request the GAULEITERS to report here briefly all crimes, which must absolutely be punished, and which have become known to the districts (GAUEN) regardless of the report to be made to the district attorney's office (Staatsanwaltschaft).

* * * * *

The district and local leaderships (Kreisleitungen und ortogruppen) are to be notified accordingly. However, if it should be decided from wherein this or that punishable case, that the miscreant is to be given a simple or strong reprimand by the court, I shall give the directive for the future, that the Districts (GAUEN) are informed of the names of the persons.

I therefore request, to see to it, that these compatriots be especially watched by the ORTSGRUPTEN, and that it be attempted, to influence them in the National Socialist sense. Otherwise, it will be necessary to place the activities of such persons, who do not want to be taught, under exact control.

H1106-0142

In these cases, it will eventually be necessary, to notify the Secret State Police.

Munich, 3 September 1935.

The Chief of Staff of the Führer's Deputy
(Der Stabsleiters des Stellvertreters des Fuhrers)

M. BORMANN

* * * * *

- - - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2639-PS

17 November 1945

I, WILLARD E. SKIDMORE, Lt. (jg) USNR, 391590, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2639-PS.

WILLARD E. SKIDMORE
Lt. (jg) USNR 391590

H1106-0143

TRANSLATION OF DOCUMENT 2950-PS
OFFICE OF U.S. CHIEF OF COUNSEL

AFFIDAVIT

I, WILHELM FRICK, former Reich Minister of the Interior, being duly sworn, declare:

HEINRICH HIMMLER in June of 1934 was able to convince Hitler that ROEHM wanted to start a putsch. The Führer ordered HIMMLER to suppress the putsch which was supposed to take place at the Tegernsee, where all of the SA leaders were coming to gather. For Northern Germany, the Führer gave the order to suppress the putsch to GOERING. On account of this order, many, many people were arrested, and as was heard in the course of time little by little, something like a hundred, even more, were killed who were accused of high treason. All of this was done without resort to legal proceedings. They were just killed on the spot. Many people were killed -- I don't know how many--who actually did not have anything to do with the putsch. People who just weren't liked very well, as for instance, SCHLEICHER, the former Riech Chancellor, were killed, SCHLEICHER's wife was also killed as was GREGOR STRASSER, who had been the Reich organization leader and second man in the Party after Hitler. STRASSER, at the time he was murdered, was not active in political affairs anymore. However, he had separated himself from the Führer in November or December of 1932.

The SS was used by HIMMLER for the execution of these orders to suppress the putsch. This was the first illegal act by the Party since the accession to power. This state of affairs which is today still partly under discussion and which I consider correct was never stated officially but became known in the course of the years little by little.

/s/ Wilhelm Frick

Before me, the undersigned authority, on this 19th day of November 1945, personally appeared WILHELM FRICK known to me, who on oath stated that he had carefully read the foregoing statement signed by him and that the matters and facts therein stated are true and correct.

SEYMOUR M. PEYSER,
Major, JAGD

H1106-0144

TRANSLATION OF DOCUMENT 2967-PS
OFFICE OF U.S. CHIEF OF COUNSEL

Heidelberg, November 17, 1945

Dr. Hans Anschuetz, at present District Court Director (Landgerichtsdirektor) at Heidelberg, after having been duly sworn, deposes as follows:

I was born in 1901 in Heidelberg, the son of university professor Dr. Gerhard Anschuetz. After attending high schools (Gymnasien) in Berlin-Grunewald and Heidelberg, I studied law, and according to my inclination, became a judge. Until 1933, I was employed as public prosecutor at Heidelberg, then I was transferred as Judge of a Local Court (Amtsgerichtsrat) and later Judge of the District Court (Landgerichtsrat) at Offenburg (Baden). I was dismissed from service in the armed forces in 1944, because the father of my wife was a Jew, and for the same reason I could no longer be employed as a judge; I was assigned to the War Damages Office (Kriegsschaedenamt) at Mannheim. At present I am engaged again in my old profession as District Court Director (Landgerichtsdirektor) at Heidelberg.

In the attached statements on the problem of "National Socialism and Justice" I have recorded the experience which I was able to acquire during the last twelve years as a judge.

Statements on the Problem "National Socialism and Justice."

It was a matter of course that a totalitarian system like that of National Socialism could not make an exception of the administration of justice in the extension of its power. The "coordination" or "elimination" of the administration of justice was achieved gradually but purposefully.

1. Immediately after the seizure of power those judges who were undesirable for political or racial reasons were eliminated or demoted from leading positions to unimportant ones; in particular they were eliminated from criminal courts. For this purpose they used the "Law Concerning the Reconstruction of the Professional Civil Service" of 7 April 1933, which did away with the principle that judges could not be removed or demoted and, thereby destroyed the guarantees of the independence of justice.

H1106-0145

2. Subsequently, the system of spying upon and supervising the political opinions of each citizen, which permeated the entire public and private life in Germany, was, of course, also extended to judges. This spy system eventually reached the point of open attacks and defamatory statements in the press; this was done in particularly the newspapers "Der Stuermer" and "Das Schwarze Korps", which took delight in distorting reports of trials and in naming those judges who had imposed sentences which the Party considered intolerable. The political power of these papers, or rather of those persons who were behind them, namely, Streicher and Himmler, was so great that not even the Reich Minister of Justice succeeded in having them publish corrections of trial reports which were demonstrably untrue.

3. Finally, the German Civil Service Code of 26 January 1937 (effective as of 1 July 1937) placed judges on the same level with all other public officials. Article 71 of this Code made it possible to retire any official who "indicated that he was no longer prepared to intercede at all times for the National Socialist State."

4. But while even the German Civil Service Code made certain exceptions for judges (Article 171 prohibited the retirement of judges solely because of the contents of decisions made by them), Hitler, in the Reichstag meeting of 26 April 1942 had the Reichstag confer upom him the "right" to dismiss judges even without regard to vested rights, if he thought it necessary. This Reichstag speech of Hitler's really constituted a signal testimonial to the German judge because it showed that Hitler had reasons to be discontent with the administration of justice in that it had not been sufficiently subservient to the Party.

5. After the issuance of the German Civil Service Code, strong pressure was brought to bear upon all officials, including judges, to join the NSDAP or not to reject requests to join; otherwise there existed the danger that they might be retired or dismissed. But once a Party member, a judge was under Party discipline and Party jurisdiction which dominated his entire life as official and as private person.

H1106-0146

6. In addition to these measures concerning judges, the Party resorted to measures which might be characterized as the "undermining of regular jurisdiction" and the "establishment of special jurisdiction."

Until the end of 1933, the Supreme Court (Reichsgericht) was the highest German tribunal with jurisdiction over cases of treason and high treason. For that reason, the Reichstag fire trial still came before the Supreme Court. As is well known, it ended with the acquittal of most of the accused, whom the regime had hoped to see convicted as members of the Communist Party. After this trial, the Supreme Court was deprived of its jurisdiction in matters of treason and high treason. This was transferred by law of 28 April 1934 to the newly created People's Court (Volksgerichtshof), which, consisted of only two professional judges (even these, of course, were selected primarly because of political considerations) and five higher Party functionaries. Thus, this court offered a guarantee that the law would be applied exclusively in accordance with the principles of the NSDAP.

Even prior to this, the law of 21 March 1933 had created Special Courts (Sondergerichts) for the trial of political crimes. Their members were appointed at first by the Governing Council (Praesidium) of the District Court in whose district the Special Court was established, and later by the Appeal Court President (Oberlandesgerichtspräsident). Actually, only Party members were made judges of the Special Courts.

The power of these Special Courts was increased in the interest of the Party, first, since it was up to the public prosecutor to decide whether to bring a case before the ordinary court or the Special Court and, second, by reason of the fact that not every German attorney but only those specially admitted attorneys could act as defense counsel before the Special Courts, and finally, by the virtue of the fact that there was no appeal from the decisions of the Special Courts.

7. A further means of influencing judges was contained in the institution of "Judges' Letters". In these letters, which were issued by the Reich Ministry of Justice and destined for internal distribution only, law cases were commented upon as illustrative of good or bad examples;

H1106-0147

while no names of judges were contained in them, they did name the respective courts and thus exercized pressure upon the judges.

Under the slogan of "Directed Justice", finally, they used pressure upon judges by having the District Attorney (Oberstaatsanwalt) in important criminal cases which might include non-political matters, inform the presiding judge prior to the trial of the punishment which would be sought and point out that this sentence would be expected of him.

8. The strongest interference with the administration of justice, however, developed increasingly after 1933 "outside of" (neben) the administration of justice. The police, under the command of the Reichsführer SS, arrested persons who were persona non grata for political or even for other reasons without judicial procecure (and, indeed, without any procedure at all) and detained them in prisons and concentration camps. In political cases, it was the rule rather than the exception that accused persons who had been acquitted by the court were taken immediately after trial into "protective custody" by the police and thus disappeared into concentration camps.

9. Finally, the Party sabotaged the administration of justice by failing to execute sentences imposed upon "old fighters" or otherwise specially favored Party comrades and by nullifying the sentences through the arbitrary exercise of the right of pardon.

10. The foregoing list of attempts to influence justice is, of course, by no means complete.

(Signed) Dr. Hans Anschuetz

Sworn to before me this 17th day of
November, 1945, at Heidelberg, Germany.

Seymour M. Peyser
Major, J.A.G.D.

H1106-0148

- - - - - - - - - - - - - - -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 2967-PS

19 November 1945

I, DR. JOHN HERZ, civilian, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 2967-PS.

Dr. JOHN HERZ
Civilian